

"Say, 'Are they equal, those who know and those who do not know?'"

Koran [39.9]

"Say [to them, Oh Muhammad]: This is **My Path**, I
invite to Allah, and so do those who follow me with
[spiritually guided] insight." *Koran [12.108]*

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Every Muslim and Judge's Jurisprudence Handbook

Formly: The Reliance of the Traveller (Ahmad ibn Naqib al Misri) A Classical
Manual of Islamic Sacred Law translated by **Noah Ha Mim Keller** (1991)

THE TRAVELER ON LIFE'S HIGHWAY TO THE CREATOR
1998 Judicial sections in 353 chapters in 28 books

A Classical Everyone Handbook of Islamic Daily Jurisprudence Practices

by Ahmad Ibn Naqib Al-Misri,
Islamic Supreme Judge
Died 769/1368

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Classification:

What is 1.2.3

1 = Book No 1

2 = Chapter No 2

3= Section No 3

“Over centuries, it was and still, the Muslim scholars’ habit to improve and correct each other work, in the name of Allah, not for show off. I pray that shaykh Keller review this work and perfect it. Amen.” Ahmad Darwish Al-Shaykh (of Muhammad.com neither asks nor accepts money.)

Preface in the Name of the Merciful, the most Merciful Allah

Allah created all humanity from Adam to all the prophets such as Noah, Abraham Moses, Jesus and Muhammad to guide and genuinely care about people’s spirituality and to regulate their materialistic needs via the revelation for the objective of justice and pursuit of happiness here and the hereafter.

The Transcendence of Allah above His creation. He is not a body with a form, or a limitary, quantitative substance, not resembling bodies in quantifiability or divisibility, or in being a substance or qualified by substance, or being an accident or qualified by accidents.

He does not resemble anything that exists, nor anything that exists resembles Him. There is nothing whatsoever like unto Him, nor He is like unto anything. He is not delimited by magnitude, contained by places, encompassed by directions, or bounded by heavens or earth.

Allah, “The Merciful willed to the Throne” (Koran 20.5) in the way He says and the meaning He intends, 'willed' in a manner transcending contact, settledness, fixity, indwelling, or movement. The Throne does not bear Him up, but is borne up by the subtlety of His infinite power, as are the angels who carry it, and all are powerless in His grasp.

Allah is above the Throne, the heavens, and all else to the farthest reaches of the stars, with an aboveness that does not increase His nearness to the Throne or heavens, or His distance from the earth and what lies beneath it.

He is as exalted in degree above the Throne and the heavens as He is above the earth and its depths, though He is near to everything in existence, nearer to a worshipper than his own jugular vein, and is witness to everything. His nearness no more resembles the nearness of objects to one another than His entity resembles the entities of objects. The Seat, Throne, and its carrying Angels are carried by Allah.

He does not dwell in anything, nor anything indwells in Him. He is as exalted above containment in space as he is above confinement in time. He was, before creating time and space, and is now even as He was.

He is distinguished from His creation by His attributes. There is nothing in His entity other than Him, nor His entity is other than Him.

He is beyond change and motion, events neither occur within Him nor changes befall Him. He remains in His attributes of Majesty exalted above change, and in the attributes of His perfection beyond the need of any increase in perfection.

The existence of His entity is known by human reason, and in the Everlasting life is beheld by the eyesight of the righteous as a beatitude and favor, to consummate their perfect joy with the sight of His Noble Countenance.

Preface of honoring, venerating and praising Prophet Muhammad's birth and Prophethood.

All Honor from Allah to Prophet Muhammad is in the Precedence of his prophethood

In the authentic Prophetic Sayings reference Muslimun, it was reported that the Prophet Muhammad, venerated by Allah and given peace said, "Allah the Mighty, the Glorified has written the destiny of creation before creating heaven and earth by fifty thousand years when His throne was over water. Among what He has written in the memorandum – which is the essence of the book – is that Muhammad is the Seal of the Prophets."

Erbad [Al Erbad son of Saria] said that the Prophet Muhammad said, "Indeed I was with Allah as the Seal of the Prophets when Adam lay in his clay shape before the soul was breathed into him."

Maysarah [Maysarah Adabi] said, "Oh messenger of Allah, when were you a prophet?" He said, "When Adam was between the stage of the spirit and the body."

Suhay [Suhay son of Salih Alhamidani] said I asked Abu Jafar [Abu Jafar Muhammad, son of Ali], "How come Muhammad preceded the other prophets while coming after them?" He replied that, 'Allah, when He took the oath from the souls of the children of Adam and their descendants and made them bear witness ("Am I not your Lord?" chapter 7: verse 172) Prophet Muhammad was the first to say 'Yes, indeed.' Therefore he preceded them though he was the last to be sent.'"

[7:172] When your Lord brought forth descendants from the loins of Adam's children, and made them testify concerning themselves (He said): 'Am I not your Lord.' They replied: 'We bear witness (that You are.) ...

Sheikh Taqi Adeen [Asobki] said, "It is reported that it came to us that Allah created the spirits before the bodies therefore the indication of his statement, "I was a prophet..." referring to his honorable spirit or his reality. This reality is something our brains fell short of recognizing for only our Creator knows it and

those He has supplied with His divine light. The truth of the reality of the Prophet Muhammad is that Allah has given it the characteristic of prophethood before creating Adam as he created it ready as such, and he overflows with these at that time, therefore he became a prophet and has his name written on the throne and informed the angels and others about his honor with Allah. So his reality existed from that time, though his honorable body with the same characteristics came later.

Ashabi said, "A man asked the Messenger of Allah, 'When were you given the prophethood?' He replied, 'When Adam was between the stage of the soul and the body, when the oath was taken from me.'" So he is the first prophet of creation and the last to be sent.

Other scholars said that Prophet Muhammad exclusively was taken from the backbone of Adam before the creation of the spirit because he is the target of human creation; he is its core root and its middle ring.

Now Imam Ali (Ali Abu Talib), may Allah honor his face, and also Ibn Abbas reported, "Allah never sent a prophet from Adam and those who followed him except that he gave an oath regarding prophet Muhammad that if he is sent while that prophet is alive, he is to believe in him, support him, and charge his nation with the same."

"enter Koran verse from our"

Sheikh Taqi Adeen Asboki said regarding this honorable verse that the Prophet's greatness and his high value, which is obvious by the mere mention that if he comes in their time they must accept him, meaning he is a messenger sent to them. Therefore his prophethood and messengership are absolutely general to all creation from the time of Adam until the day of Judgment. Therefore, all the prophets and their nations are among his nations. Then his statement "I was sent to all people" is not only subject to the people of his time until the day of Judgment, but also before him, clarifying now it is clear that his statement "I was a prophet when Adam was between clay and spirit".

Now it is known that the Prophet Muhammad is the prophet of the prophets and therefore it is apparent that on the Day of Judgment that all the prophets are under his flag. Also, in this life, during the night journey he led all of them in the prayer. Had he appeared in the time of Adam, Noah, Abraham, Moses, and Jesus, Allah has venerated and given them peace, it would have been obligatory on them and all their nations to believe in him and support him, as such was the oath Allah took from them.

Jumped from p.11 to p. 15

[3.81] And when Allah took the covenant of the Prophets: 'That I have given you of the Book and Wisdom. Then there shall come to you a Messenger

(Muhammad) confirming what is with you, you shall believe in him and you shall support him to be victorious, do you agree and take My load on this? ' They answered: 'We do agree. ' Allah said: 'Then bear witness, and I will be with you among the witnesses. '

Eve gave birth to 40 children in 20 births, including Sheath, who was born alone, and from whom Muhammad's lineage comes. So the light of Prophet Muhammad came from Adam to Sheath, and Adam took a bequest not to put this light in any but the pure and goodly females and this bequest continued throughout the centuries until it reached Abu Talib and his son Abdullah, so Allah has protected this admirable lineage from committing any illegitimacy during times of ignorance, as reported by the Prophet Muhammad in many narrations.

Ibn Abbas said, "The messenger of Allah, said, 'None of illegitimacy gave birth to me, rather I came only via Islamic marriage.'"

Hisham (Son of Muhammad Ibn Kalbi, via his father) said, "I have recorded 500 tribal mothers for the prophet and never came across any illegitimacy or any affairs of ignorance.

Imam Ali, Allah has honored his face, said that the Prophet Muhammad said, "I emerged from marriage and I never emerged from illegitimacy from Adam until my father and mother parented me and I have never been touched by any illegitimacy of people of ignorance."

Ibn Abbas, may Allah be pleased with him and his father, said that the Messenger of Allah said, "My ancestors never met on illegitimacy and Allah continued to turn me from good males and good females, purified and civilized, and kept passing me through the best of their offspring."

Among the authentic references of Hadith, Bukhari reported that Abu Hurairah, may Allah be pleased with him, said that the Prophet Muhammad said. "I was sent through the best centuries of the children of Adam, one century after another until I came to the century I am in."

In the authentic of Muliman, Wathila Ibn Alasqa', said that the Prophet Muhammad said, "Allah has chosen Kinanah from the children of Ishmael and has chosen Koraysh from Kinanah and Hashim from Koraysh and He has chosen me from the children of Hashim.

Ibn Abbas said, the messenger of Allah said, "Allah has created people and put me in the best of their parties and in the best of their branches. He has chosen the tribes and put me in the best of their houses, so that I am the best of them in spirit and the best of them in personality, and the best in lineage."

^^Ibn Omar, may Allah be pleased with him, said the Messenger said, "Allah has chosen His creation and He has chosen the children of Adam and from the

children of Adam He chose the Arabs and from the Arabs He chose me. So I am the choicest of the choice. Whosoever loves the good Arabs, they love them because of me and whosoever hates the Arabs, they hate them because they hate me.”

So now it is known that the Prophet was not shared by having a brother or sister so that his purity is concentrated. Allah has exclusively made him the aim of prophethood and made him the utmost rank in honor, so if you examine his lineage you will realize the purity of his birth and will realize that he is the offspring of honorable parents and he is the Arabic Prophet, of the holy mosque the best selection of Hashim, of Koraysh, of the Arab branches, of the most elite of it. The most in honor, lineage, and rank and the best eloquence of the tongue, the clearest of logic, the best of performance, the most sound in faith, the most honored individual, and the most honored in lifestyle, from both his father’s side and his mother’s side. In addition he is from the most beloved holy land of Allah. So he is our master, our guide Muhammad, son of Abdullah - who was ransomed from being a sacrifice, grandson of Abd Al Mutallib.

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BOOK 1 ISLAMIC SACRED KNOWLEDGE

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BOOK 1. ISLAMIC SACRED KNOWLEDGE

1.1. The knowledge of good and evil

1.1.1. Allah, the Most Glorious is the source of legal rulings

The author of this book, Shaykh Imam Ahmad Ibn Naqib of Egypt (Al-Misri Died 769/1368) said: Shaykh Abdel-Wahhab Khallaf said, "There is no disagreement among Islamic scholars that Allah, the Most Glorious is the source of legal rulings for each deed of mature and competent individuals."

1.1.2. Intellect, or mind that is not guided by Revelation cannot assume knowledge of the rules of Allah by itself.

The question arises, is it possible for the mind alone, unguided by the messengers and revealed Holy Books of Allah, to know and arrive at by itself, the rulings of Allah? In other words, can someone who is neither guided nor heard the teachings of a prophet capable, through his/her own powers of reason, to know the ruling of Allah in any action – is it possible or impossible?

1.1.3. Without the guidance of Allah the mind is unable to know His rules.

The followers of the prophetic footsteps (sunni) and main stream gathering (jamaah) of Islamic scholars of the Prophetic practice (Ahle Sunna Wa Aljamaah) also known as Asharia in faith, in conjunction with the four schools of Jurisprudence, Malik, Shafi, Hanafi and Hambali led by Abul Hasan Ash`ari, collectively hold the opinion that:

The mind is incapable of knowing the rules of Allah that relate to mature and competent individuals except through knowledge gained through the teachings of His prophets and His revealed Holy Books.

Minds frequently disagree about acts. Some minds find certain acts good whereas other minds see them as opposite.

Moreover, one person can be of two minds about one and the same action. Caprice often prevails over the intellect, whereupon considering something as being good or bad becomes based on a whim.

Therefore, it cannot be said that an act which the mind presumes to be good is consequently good with Allah, and therefore its performance called for, and its doer rewarded by Allah; or that whatever the mind perceives to be bad is bad with Allah, and its non-performance called for and its doer punished by Allah.

1.1.4. Meaning of good and bad

The basic premises of faith professed by the followers of prophetic footsteps in the Islamic Faith (Asharia) is that the good acts of mature and competent people are those the Lawgiver (Allah and His Messenger) indicated to be good either by permitting or instructing them to be done. Whereas the bad act is that which the Lawgiver indicated as being bad by ordering it not to be done.

Good is not what reason considers good, nor the bad what reason considers bad. The measure of good and bad, according to the followers of the prophetic footsteps school of thought on Islamic faith (Asharia), is the sacred Law and not one's reason.

1.1.5. Those unreached by prophets or their followers are not religiously responsible nor will they be taken to task.

According to the prophetic footsteps school of thought on Islamic faith (Asharia), an individual is not obligated by Allah to do or refrain from anything unless he was reached (preached) by a prophet with what Allah has legislated (This will also be discussed in the chapters that relate to Islam's relationship to the laws of previous prophets.)

No one is rewarded for doing something or punished from refraining from or doing something until he knows, through the teachings of the Messengers of Allah, what he is obligated to do or obligated to refrain from.

Therefore, whosoever lives in such complete isolation whereby the summons of a prophet and the Sacred Law of Allah could not reach him, is not obligated to Allah for anything and deserves neither reward nor punishment.

Those who lived in one of the intervals after the death of a prophet and before the sending of a new prophet were not responsible for anything and deserved neither reward nor punishment. This is not the case after the sealed of all Prophets, the Prophet Muhammad sent to all humanity.

This view is confirmed by the Word of Allah, the Most High:

“Whosoever is guided is only guided for his own self, and whosoever goes astray it is only against it. No soul shall bear another's burden. Nor do We punish until we have sent a Messenger.” Koran 17.15

Remember "punish" means punishing sinners. (Ilm usul al-fiqh (y-71) 96-98)

1.2. The Superiority of the rank of Islamic Sacred Knowledge over one's rank of worship.

1.2.1. Koranic Evidence

Grand Shaykh Imam Nawawi said: Allah, the Most High says:

1. Say, 'Are they equal, those who know and those who do not know?'..." (Koran 39.9).
2. "..... But it is only those amongst His worshippers that fear Allah who have knowledge. Indeed, Allah is the Almighty and the Forgiving." (Koran 35.28).
3. " ... and Allah will raise up in ranks those who believed among you and those who have been given knowledge. Allah is Aware of what you do." (Koran 58.11).

1.2.2. Evidence of prophetic quotations (Prophetic quotations (Ahadith))

The Prophet, may Allah venerate him and give him peace said:

1. "For whosoever Allah wishes well, He gives knowledge of religion."
2. "The superiority of the learned Muslim over the worshipper is as my superiority over the least of you."

Then the Prophet, may Allah venerate him and give him peace said,
"Allah and His angels, the inhabitants of the heavens and the earth, even the ant in its anthill and the fish, supplicate for those who teach people that which is good."

3. "When a human-being dies, all his work, except for three things comes to an end; ongoing charity, knowledge benefited from, or a pious son who prays for him."
4. "One learned Muslim is harder on the devil than a thousand worshippers."
5. "Allah makes the path to paradise easy for whosoever travels on a path seeking knowledge. The angels lower their wings for the seeker of knowledge out of pleasure in that which he seeks."
6. "Those in the heavens and the earth, and the fish in the water ask Allah to forgive the person endowed with Sacred knowledge."
7. "The superiority of a learned Muslim over a worshipper is like the superiority of the moon over all the stars."

8. "The learned are the heirs of the prophets. The prophets neither bequeathed a dinar nor dirham, but only left Sacred knowledge, and whosoever takes it has taken an enormous share."

9. "Whosoever calls others to guidance receives the same reward as those who follow him without their own reward being diminished in the slightest. Whereas whosoever calls others to misguidance shall bear the like of the sins of those who follow him without their own sins being diminished."

10. "He who goes forth to seek Sacred knowledge is upon the way of Allah [syn jihad def:09] until he returns."

11. "This world and whatsoever is in it are accursed [dis: w-5] except for the remembrance of Allah, that which Allah loves, someone with Sacred knowledge or someone learning it."

1.2.3. Prophet's companions - Imam Ali's opinion

Ali ibn Abi Talib (may Allah be pleased with him) said,

"The religious scholar is greater in reward than the fighter in the way of Allah who fasts the day and prays the night."

1.2.4. Prophet's companion - Imam Abu Darda' opinion

Abu Darda' (may Allah be pleased with him) said,

"Teaching Sacred knowledge, for even for just a brief period of time, is better than spending a night in prayer."

1.2.5. Opinion of Imam Yahya ibn Abi Kathir

Yahya ibn Abi Kathir said,

"The study of Islamic Knowledge is similar in rank to prayer."

1.2.6. The opinions of Imams Sufyan al-Thawri and Shafi'i

Sufyan al-Thawri and Shafi'i said,

"After that which is obligatory, there is nothing superior than seeking Sacred knowledge."

1.2.7. Other Reasoning

Grand Shaykh Imam Nawawi said, "I have not quoted all the statements of early Muslims however, all are in complete agreement that devoting one's time to sacred knowledge is better than devoting one's time to voluntary fasting or prayer, and is even better than saying 'Subhan Allah' (Exalted is Allah), or other voluntary acts of devotion.

Among the proofs for this, besides the foregoing, is that:

1. The benefit of sacred knowledge affects both its possessor and Muslims, whereas the previously mentioned voluntary acts are restricted to oneself.
2. Sacred knowledge validates, so other acts of worship require it, though not vice versa.
3. Scholars are the heirs of the prophets, whereas worshippers are not characterized as such.
4. The worshipper follows the scholar, being led by and imitating him in worship and other acts, obeying him being obligatory and not the reverse.
5. The benefit and effect of sacred knowledge remain after its possessor departs this life, whereas voluntary works cease upon the death of their doer.
6. Knowledgeable is an attribute of Allah, the Most High.
7. "Sacred knowledge", meaning the knowledge we are discussing, is a Communal obligation (8.3.2), and therefore it is better than that which is Voluntary. A. Juwayni, (Ghazali's teacher) the imam of the Two Sanctuaries said in his book *Al Ghiyathi*, "The Communal obligation is superior to that of the personal obligation. This is because the person performing it fulfills the need of the Islamic Nation (Umma) and lifts its non-compliance due to the obligation from the Islamic nation, whereas the obligation of the individual is restricted to himself." Indeed, success comes from Allah (*alMajmu'* (y-108), 1.18-22).

@*Chapter 1.3 Blameworthiness of seeking Sacred knowledge for other than the sake of Allah

@1.3.1 Meaning of "for other than Allah"

Grand Shaykh Imam Nawawi said, "Concerning the merit of seeking sacred knowledge one should know that the merit only applies to the seeker who intends to use its knowledge for the sake of Allah and not for worldly gain.

Whosoever seeks it for worldly gain, such as that of money, leadership, rank, prestige, fame, attracting people to oneself, defeating the opposition in a debate, or similar motives is blameworthy. On the other hand, when the basic reason is for Allah but other motives intervene – after, not before establishing the initial intention purely for Allah –, the motives diminish the merit in the same proportion in which they enter into it."

@1.3.2 Koranic Evidence

Allah, the Most High says:

1. " Whosoever hopes for the tillage of the Everlasting Life, We will increase his tillage; and whosoever hopes for the tillage of this world, We give him some of it, but in the Everlasting Life he shall have no share." (Koran 42.20).
2. "For whosoever desires this fleeting life We hasten for him whatever We will and to whom We want. Then, We have prepared Gehenna for him where he will be roasted, condemned and rejected. (Koran 17.18).

3. "indeed, your Lord is ever watchful." (Koran 89.14).

4. "Yet they were ordered to worship Allah alone, making the Religion His sincerely, upright, and to establish their prayers and to pay the obligatory charity. That is indeed the Religion of Straightness." (Koran 98.5).

@1.3.3 Prophetic Quote Evidence (Prophetic Quotations (Ahadith))

The Prophet - may Allah venerate him and give him peace - said:

1. "The first person judged on Resurrection Day will be a man martyred in battle. He will be brought forth and Allah will reacquaint him with His blessings upon him and the man will acknowledge them, whereupon Allah will say, 'What did you do with them?' to which the man will respond, 'I fought to the death for You.' Allah will reply, 'You lie. You fought in order to be called a hero, and it has already been said.' Then he will be sentenced and dragged away on his face to be flung into the fire.

"Then a man will be brought forward who learned Sacred knowledge, taught it to others, and who recited the Koran. Allah will remind him of His gifts to him and the man will acknowledge them, and then Allah will say, 'What did you do with them?' The man will answer, 'I acquired Sacred knowledge, taught it, and recited the Koran, for Your sake.'

"Allah will say, 'You lie. You learned so as to be called a scholar, and read the Koran so as to be called a reciter, and this has already been said. Then he will be sentenced and dragged away on his face to be flung into the fire."

2. "Anyone who seeks Sacred knowledge to argue with fools, vie with scholars, or draw people's attention to himself, will have a place in Hell."

3. "The most severely punished on Resurrection Day will be the scholar who did not benefit from his knowledge."

@1.3.4 Sufyan al-Thawri said:

"There is no worshipper who increased himself in knowledge and then desired the things of this world except whose distance from Allah was increased."
(Ibid., 1.23-24)

@*Chapter: 1.4.0: Personal Obligatory Knowledge

1.4. Personal Obligatory Knowledge

@1.4.1 Faith - Grand Shaykh Imam Nawawi said, "There are three categories of Sacred knowledge and the first of them (see 1.5. for second category) is the personal obligation (fard al-`ayn). This is an obligation upon all mature and competent individuals and it is learning the knowledge through which the

obligatory acts cannot be accomplished without a prerequisite such as how to make ablution before the obligatory prayer etc.

Its obligatory character is how scholars interpreted the prophetic quotation (hadith)) in the reference of Musnad of Abu Ya'la al-Mawsuli. The hadith is reported via Anas, who relates that the Prophet - may Allah venerate him and give him peace - said, "Seeking knowledge is an obligation upon every Muslim."

The meaning of this Prophetic quotation (Hadith) is not ranked with top authentication, however it is not false (being weak), and it is true.

@1.4.2 A Muslim's Responsibility in Tenets of Faith

As for the basic obligation of Islam in relationship to the tenets of faith, it is adequate for one to believe in everything brought by the Messenger of Allah - may Allah venerate him and give him peace - and to credit it, with absolute conviction, free of any doubt. Whosoever does this, is not obligated to learn the detailed evidences of the scholars. The Prophet - may Allah venerate him and give him peace - did not require of anyone further detailed evidences other than that which has just been mentioned, neither did the first four caliphs, the companions of the Prophet, nor yet the community of the early Muslims who came after them.

Rather, what befits the common people and vast majority of those who are learning or possessing Sacred knowledge is to refrain from discussing the subtleties of scholastic theology, lest corruption, which is difficult to eliminate, should find its way into their basic religious convictions.

It is more befitting for them to confine themselves to being content with the above-mentioned absolute certainty.

Imam Shafi'i (may Allah, the Most High have mercy on him) went to the greatest possible lengths in asserting that engaging in scholastic theology is forbidden. (This statement was issued to address the heretical scholastic theology that was proliferating during his time in which rationalistic theories were sought and placed above the Koran and Prophetic practice, not the science of theology ('ilm al-tawhid) by which Ash'ari and Maturidi scholars have clarified and detailed the tents of the faith of Prophetic ways (Sunni) Islam, which is an important part of Islamic sciences.)

Imam Shafi'i insistently emphasized scholastic theology's unlawfulness. The severity of the punishment awaiting those who engage in it, the disgrace of doing it, and the enormous sin of the sin therein by saying, "It is better for a worshipper of Allah to meet Him with the sin of idolatry rather than being guilty of the sin of scholastic theology (which is not based on the Revelation)."

Imam Shafi'i made many similar, well known statements. However, if anyone has doubts (may Allah be our refuge) about any of the tenets of faith in which belief is obligatory, and his doubt cannot be eliminated except through learning one of the theologians' proofs, then it is obligatory for him to learn from it that which removes the doubt and thereby acquire the belief in the questioned pillars of faith.

@1.4.3 Belief in Obscure Scriptural Expressions

Scholars disagree about the Koranic verses and Prophetic quotations (Ahadith) that deal with the attributes of Allah (Koran 52.48) or (Koran 50.16)) as to whether they should be discussed in terms of a particular figurative interpretation (ta'wil) or not. Some say that they should be figuratively interpreted as befits them. This is the more well known of the two positions of the scholastic theologians.

Others are of the opinion that such verses should not be given a definitive interpretation, but rather their meaning should not be discussed, and the knowledge of them should be consigned to Allah, the Most High, while at the same time believing in the transcendence of Allah, the Most High beyond His creation, and that the characteristics of created things do not apply to Him. For example, it should be said we believe that "the Merciful willed [istawa] to the Throne." (Koran 20.5), but we do not know the reality of the meaning of that, nor what is intended thereby, though we believe of Allah, the Most High that, "The Originator of the heavens and the earth, He has given you from yourselves, pairs, and also pairs of cattle, thereby multiplying you. There is nothing like Him. He is the Hearer, the Seer." (Koran 42.11), and that He is above indwelling in created things (hulul) or having the characteristics of temporal, contingent existence (huduth).

And this is the path of the early Muslims, or the vast majority of them, and is the safest, for a person is not required to enter into discussions about this.

When one believes in the transcendence of Allah above created things, there is no need for debating, or for taking risks over what there is neither a pressing necessity nor even any real call for. In the event that a need arises for definitive interpretations to refute someone making unlawful innovations and the like, then the learned traditional scholars may supply them, and this is how we should understand what has come down and transmitted to us from scholars in this field. And Allah knows best.

@1.4.4 Works - A person is not obliged to learn how to perform ablution, the prayer, and so forth, until the act itself becomes obligatory upon him.

As for trade, marriage, and so forth, and things not in themselves obligatory, the Imam of the Two Sanctuaries (Juwayni), Ghazali, and others say that learning their means and conditions is personally or individually obligatory upon those

about to undertake them. It has also been said that one should not call this knowledge "personally obligatory," but rather, "It is unlawful to undertake them until one knows the conditions for their legal validity." This expression is more accurate.

@1.4.5 When one must learn rites and duties

It is obligatory for everyone to know what is permissible and what is unlawful pertaining to food, drink, clothing etc., and of such things one is unable to do without. Similarly, for the rulings of the kind treatment of women, when one has a wife.

@1.4.6 How much one must teach one's children

Shafi'i and his colleagues (may Allah have mercy upon them) say that both fathers and mothers must teach their children before they reach puberty that there are certain obligations they must fulfill once they attain the age of puberty.

The guardian must teach the child how to purify himself, pray, fast and so forth; and that fornication, sodomy, theft, drinking, lying, slander, and the like are unlawful. The child must also be taught; and that upon reaching the age of puberty he acquires moral responsibility and be told what this entails.

It has been said that this education is "merely recommended", but in fact it is obligatory, as the plain content of its scriptural basis (mentioned below) demonstrates. Furthermore, it is obligatory for a guardian to wisely manage any property in his charge, teaching the child is even more important.

The opinion of "merely recommended" is that which exceeds what is in focus, such as teaching the child the Koran, Sacred Law, etiquette, and teaching the child the necessities to earn a living when he is of age.

The evidence for the obligation of teaching a young child is the Word of Allah, the Mighty and Glorified, "Believers, guard yourselves and your families against the Fire the fuel of which is people and stones, over which there are harsh, and stern angels who never disobey Allah in that which He orders and do what they are ordered." (Koran 66.6)

'Ali ibn Abi Talib (may Allah be pleased with him), Mujahid, and Qatada say this verse means, teach them that with which they can save themselves from Hell.

@1.4.7 Knowledge of the heart. As for the knowledge of the heart, which means familiarity with the illnesses of the heart such as envy, pride, and the like (dis:book p.r. and s). Ghazali said that knowledge of their definitions, causes, remedy, and treatment is personally obligatory. (A: And this is what Ghazali meant when he said that spirituality of Ihsan (Sufism Tasawwuf, dis:w-9) is personally obligatory for every Muslim. He did not mean that taking "a way" (tariqa) and shaykh are obligatory, but rather highly recommended because the

elimination of unlawful inner traits, which one could conceivably accomplish through the companionship of a single sincere coaching brother/sister.)

Others hold that if the matured and competent individual is endowed with a heart which is free of all these unlawful diseases, it suffices him, and one is not obligated to learn their cure. However, if one is not safe from these, then one must reflect. If one can purify his/her heart from them without instruction then one must purify it, just as one must shun fornication and the like without learning the evidence proving he/she must. However, if one cannot rid oneself of these unlawful traits except through learning the above mentioned knowledge, then one is personally obligated to do so. And Allah knows best (al-Majmu' (y 108), 1.24-26).

@*Chapter 1.5.0: Communal obligatory knowledge

1.5. Communal obligatory knowledge

@1.5.1 Religious sciences. Grand Shaykh Imam Nawawi said, "The second category of Sacred knowledge is that which is obligatory over the whole community (fard al-kifaya, def:8.3.2). Namely the attainment of those Sacred sciences which people cannot do without in practicing their religion, such as memorizing the Koran and Prophetic quotations (Ahadith), their ancillary disciplines, methodological principles, Sacred law, grammar, lexicon, declension, knowledge of Prophetic quotations transmitters (Ahadith), and the scholarly consensus and nonconsensus. (ijma'. def:7.7)

@1.5.2 Worldly knowledge (*This is what most if not all Muslims students at colleges have mistaken for Islamic knowledge*)

As for learning which is not classified as Sacred knowledge but is required to sustain worldly existence, such as that of medicine and mathematics, it is also considered a Communal obligation (ibid.,1.26). Which once it is satisfied it is no longer Communal obligation. Not to mention those who betray their Islamic societies that send them and pay for them to study in the west and they never return nor care.

@*Chapter 1.6.0: Recommended knowledge

@1.6.1 Elaboration beyond the amount required by the Communal obligation Grand Shaykh Imam Nawawi said, "The third category is that of the Voluntary (8.4.2), such as in-depth research into the bases of evidences, and elaboration beyond the amount required by the Communal obligation. Or, such as an ordinary Muslim learning the details of nonobligatory acts of worship for the purpose of performing them; though not the work of scholars in distinguishing the obligatory from the nonobligatory, which is a Communal obligation in respect to them. And Allah knows best." (ibid, 1.27).

@*Chapter 1.7.0: Subjects that are not Sacred knowledge

@1.7.1 Grand Shaykh Imam Nawawi said, "Having mentioned the categories of Sacred knowledge the subjects it excludes are those that are unlawful, offensive, or permissible."

@1.7.2 Unlawful knowledge

Unlawful knowledge includes:

1. learning sorcery (dis: 10.3). According to the most reliable sources and the consensus of the vast majority of scholars, sorcery is unlawful.
2. philosophy (dis:w-10);
3. Psychology
4. Magic (Sha`baTha, meaning sleight of hand, etc.);
5. Astrology and fortune telling (dis:10.41);
6. The sciences of the materialists (who believe in nature) (dis:w-11).
7. Anything that is a means to create doubts. Such things vary in their degree of unlawfulness.

@1.7.3 Offensive knowledge

Offensive knowledge includes such things as post-classical poetry which contains un-honorable romance, day show, and reality shows (and in our time this covers the Internet sex chatting, posting and browsing the nudity pages and video cams) and other uselessness.

@1.7.4 Permissible Knowledge

Permissible knowledge includes post-classical poetry devoid of stupidity or anything that is offensive, that does not incite evil, that does not hinder good; or yet that which urges one to do good or helps one to do it.

@*BOOK 2: A PURE HEART

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2.1.0 Intention, sincerity, and being true

2.1.1 Intention

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@*Chapter 2.1.0: INTENTION, SINCERITY, AND BEING TRUE

@2.1.1 Grand Shaykh Imam Nawawi said: Allah, the Most High says,
``Whosoever leaves his house an immigrant to Allah and His Messenger
and then death overtakes him,
his wage shall have fallen upon Allah." (Koran 4.100).

The Prophet - may Allah venerate him and give him peace - said:

Indeed, deeds are (judged) only by the
intention, and there is for everyone that
which he intended.

If one's migration is to Allah and His
Messenger,

then one's migration is to Allah
and His Messenger.

If one's migration is to seek the world,
(i.e. land of opportunity)

then one's migration is for that.

If a man migrates for the sake of a
woman and marries her,
then his migration is for that which he
migrated.'''

This above is an authentic prophetic quotation (Ahadith), and there is complete scholarly consensus on the greatness of its rank and majesty. It is one of the cornerstones, fundamental supports, and the most important integrals of faith.

Imam Shafi'i (may Allah have mercy on him) said that it enters into seventy chapters of jurisprudence. He also said it constitutes one-third of Sacred Knowledge.

@2.1.2 Sincerity (Ikhlas)

Allah, the Most High says:

"Yet they were ordered to worship Allah alone, making the Religion His sincerely, upright, and to establish their prayers and to pay the obligatory charity. That is indeed the Religion of Straightness."

(Koran 98.5)

He, the Almighty, the Gloried also said:

"We have sent down the Book with the truth to you (Prophet Muhammad), therefore worship Allah, and make your religion sincerely His."

(Koran 39.2).

@2.1.3 Sincerity is to make Allah one's sole aim throughout

The Master Abul Qasim Qushayri (may Allah have mercy on him) said, "Sincerity is to make Allah one's sole aim through one's obedience to Him.

Sincerity is not attained through hypocrisy, acquiring esteem of self nor love of the praise of others but it is the drawing nearer to Allah.

It could be said that sincerity is purifying the mind from paying attention to one's fellow men."

@2.1.4 Sincerity is not to seek the regard of one's fellow men but to continuously seek the regard of their Creator

Abu `Uthman (may Allah have mercy on him) said, "Sincerity is not to seek the regard of one's fellow men but to continuously seek the regard of their Creator."

He also said, "The sincerity of ordinary people is that which is free of self-interest, while the sincerity of the elect is that which comes over them, not from them, for acts of worship appear in them from which they are at a remove, and neither observe nor consider" (al-Majmu' (y-108), 1.16-17).

@2.1.5 looking at mankind, I saw them as dead

Grand Shaykh Imam Nawawi said, "Abu Yazid (may Allah, the Most High be well pleased with him) said, "For twelve years I was the blacksmith of my soul; for five, the mirror of my heart; for one year I observed what was between them, and lo, around my waist I found the girdle of unbelief (zunnar) in plain view. So I worked for five years at cutting it, seeking a way to sever it, until at length this

was revealed to me and looking at mankind, I saw them as dead and prayed (the funeral prayer of) a fourfold Allahu Akbar over them."

There are very few equal to Abu Yazid in his path to Allah. It is difficult to recognize the subtlety of the hiddenness of ostentation which was recognized by this spiritual master of Ihsan. As for his remark "I saw them as dead," it is of the greatest worth and excellence, words that express this meaning being seldom met with outside those of the Prophet - may Allah venerate him and give him peace. The phrase signifies that he underwent the spiritual struggle and his lower self, then became trained and with it his heart became enlightened. When he reached the stage of mastering the self, he subdued it and too full possession of it, making it to submit in everything. Then he look at all creatures and found them to be as if dead; without discoverable trait. They could neither harm nor benefit, outstretch or withhold, give life or death, join or separate, bring close or make far, save or damn, give sustenance or withhold it. They neither possessed benefit nor harm to themselves, neither life nor death nor yet control resurrection.

Now, the dead are perceived regarding these things as being deceased. They are not feared, nor yet are hopes placed in them nor does a desire arise for anything they have. We neither do anything for their sake, refrain from anything for their sake, nor forgo any act of obedience to Allah for their sake any more in order that we would win the praise of the dead. They are neither shown-off in front of, their favor is not sought through flattery or compromise of principles, nor do they occupy one's attention. They are neither held in contempt nor disparaged; their defects are unmentioned, the shameful characteristics not sought out, their mistakes uncriticized, although if penalties prescribed by the Sacred Law are incurred, we enforce them.

In short, they are as though nonexistent in everything we have mentioned, with the decisions of Allah, the Most High holding sway over them. Whosoever deals with them accordingly has attained to the good of this world and the next.

May Allah, the Most Generous give us success in realizing it (Bustan al-`afrifin (y-104), 131-34).

@2.1.6 Being true (Sidq)

Grand Shaykh Imam Nawawi said, "As for being true, Allah, the Most High says, "Believers, fear Allah and stand with the truthful." (Koran 9.119)

@2.1.7 Compromising principles

Sahl ibn `Abdullah Tustari said, "The worshipper who compromises his principles either for himself or for another, will never catch even a scent of being true."

@2.1.8 a person who is true would not care if his entire value were to vanish from the hearts of men.

It is related that Harith al-Muhasibi (may Allah have mercy on him) said, "For the sake of the betterment of one's heart, a person who is true would not care if his entire value were to vanish from the hearts of men. He dislikes that people should see even the slightest of his good deeds, and does not mind if they notice the worst of them, for if it were otherwise then it would mean that he wants to be more in their eyes, and this is out of character to those of great faith (siddiqin)."

@2.1.9 Truth is the sword of Allah. Whatever it is put to, it cuts
Thul Nun al-Misri (may Allah have mercy on him) said, "Truth is the sword of Allah. Whatever it is put to, it cuts" (al-Majmu' (y-108), 1.17).

@*Chapter 2.2.0: A LETTER TO ONE OF THE BRETHREN

@2.2.1 nothing more useful to your heart than four matters
(Ibn 'Ata' Illah said,) "I know of nothing more useful to you than four matters: surrender to Allah, to humbly entreat Him, to think the best of Him, and to perpetually renew your repentance to Him, even if you should repeat a sin seventy times in a day.

@2.2.2 Surrender to Allah

Surrendering oneself to Him who gives a worshipper a relief in this present life from having to plan, as it is He who is the Planner.

How can one strive in opposition to Him in something that you do not own with Him? Triumph in the Everlasting Life is through Supreme Favor, and safety from the idolatry of striving in contention. Cast yourself among His kingdom, being meager in its plenitude and insignificant in its vastness and know that He plans for you as He does for it.

Do not leave the bondage that is yours for claims to a lordship for which you have no claim. To plan and choose for oneself are major sins that affect the heart and the innermost soul, and you find this written in the Book of Allah, the Most High where He says:

"Your Lord creates whosoever He will and He chooses the choice was not theirs (the unbelievers). Exalted is Allah, above that they associate!
(Koran 28.68).

@2.2.3 Earnestly, humbly supplicating to Allah

Earnestly, humbly "supplicating to Allah" contains the severing of superfluous extras and hardships, while snuggling under the want of Divine favors and safety. Its recompense is that your Lord will suffice you in terms of pushing harm away from you and bringing pleasure to you.

For He is your 'Door' on the path, the greatest door, and the most straightest way which has impact with unbelief so how is its impact with belief?

Have you not heard the words of Allah, the Most High:

“When misfortune befalls you at sea,
all except He of those to whom you supplicate forsake you;
yet when He delivers you safely to the land,
you turn away.
The human is unthankful.”
(Koran 17.67)

meaning that He answers you.

Earnest entreaty is the door which Allah, the Most High, has placed between Himself and His worshippers. Gifts come to whosoever takes himself to it, and unceasing spiritual favors reach whosoever stands before it. Whosoever enters unto Him by it attains to the reality of Divine assistance. And whenever He releases to you through it, He bestows of every good thing in the most lavish gift giving, as is found in the Book of Allah, the Most High where Allah says:
“If only they humbled themselves
when Our scourge overtook them!
But their hearts were hardened,
And satan decorated to them what they were doing.”
(Koran 6.43)

@2.2.4 Thinking the Best of Allah

As for thinking the best of Allah, such thoughts are a tremendous blessing from Allah.

Whosoever has such blessed thoughts does not lack the slightest bit of good, whereas those who do not have such, will never find any good. You will never have a better excuse before Allah than it, nor one more profitable. Nor yet is there anything better that leads you to Allah or more guidance giving.

It informs one what Allah will make of one, and gives good tidings, the like of whose words no eye has ever read nor tongue has given utterance. This is found in the Prophetic practice of the Prophet - may Allah venerate him and give him peace - where he says, quoting Allah,

“I am as My worshipper expects of Me.”

@2.2.5 Continuous renewal of repentance

As for continually renewing one's repentance to Allah, it is the wellspring of every spiritual rank and station from the first to last, inwardly and outwardly. There is no excellence in one who lacks it, and nothing lacking in one who has it. It is the key to every good, outwardly and inwardly, the very soul of stations of wisdom, and the reason men are made friends of Allah (awliya).

If the repentance of the Axis of the World in Ihsan (Qutb) were like that of the ordinary righteous person because of equality in station, the higher of them would not surpass the other for his exaltedness of rank and tremendousness of spiritual certainty. Allah, the Most Glorious and Exalted has not made any rank below it except that of harmdoing, as Allah, the Most High says, "Those who do not repent are the harmdoers" (Koran 49.11), because of it being required from every messenger and prophet, every one of great faith (siddiq) and friend of Allah (wali), every pious person who fears Allah, the misguided profligates, and every doomed unbeliever. And this is found in the Book of Allah, the Most High where Allah, the Glorious and Exalted says, "O people, fear your Lord" (Koran 4:1).

Fearing Allah is through repentance to Him and regret before Him. The repentance of those who do evil lies in abandoning evil, while the repentance of those who do good lies in continuous, unhalting doing of good deeds, whether it consists of spiritual effort or its rewards. The repentance of both is the same – never stop working on it.

"... your religion, being the Creed of Abraham your father. He has named you Muslims ..." (Koran 22.78).

It was of Ibrahim's faith not to halt with what passes away, or fix his regard on existent dimensional things. In quoting him to us, Allah, the Most High says,

"I do not like the setting ones" (Koran 6.76).

@2.2.6 someone who cannot benefit from a little, will not benefit from a lot

In general, someone who cannot benefit from a little, will not benefit from a lot, since a lot of work does not avail without sincerity, and someone who cannot profit from a hint will not profit from a plain remark.

When Allah gives you understanding, your hearing will not cease nor will your benefiting be restricted to a certain time.

May Allah give us and you to understand Him,
give us and you to hear Him,
sever us from everything besides Him,
sever us from everything besides Him,
enter us into His shade and protection,
and make us of those to whom He has given spiritual insight and guidance,
and a yearning for His nearness.
May He not scatter the intention of our hearts
but rather center our purpose on Him,
and remove our cares by bringing us to our destination.
Ameen.

May there be safety for the whole group, and blessing and peace upon the best of Messengers (al-Hikam al-Ata'iyya wa al-munajat al-ilahiyya (y-56), 103-9).

@*Chapter 2.3.0: ADVICE AND CHARGES

@2.3.1 Do not pay attention only to deep words and profound spiritual allusions Muhammad Sa'id Burhani said, "Do not pay attention only to deep words and profound spiritual allusions, but make provision for the Everlasting life before death comes, when fine words will be lost and the units of prayers you prayed by night or day will remain.

@2.3.2 Give as much voluntary charity as possible, for you owe more than the zakat obligatory. Make provision for the Everlasting life by giving while you have health and want to cling to your money out of fear of poverty, seeing life before you. Allah, the Most High says, "Whosoever is saved from the greed of his own soul, those are the ones who win." (Koran 59.9), meaning they shall be saved.

@2.3.3 Never obey anyone of the worshippers of Allah, not even your father or mother, in an act of disobedience to Allah, for there is no obedience to a creature in disobedience to the Creator.

@2.3.4 Do not wrong another person, for wrongs done to others are clouds of darkness on the Day of Judgement. Wronging others includes not doing the obligations Allah has commanded you to do for them.

@2.3.5 Beware of enmity against anyone, in particular the righteous, who have said, "La ilaha ill Allah" (there is no god except Allah), because Allah has honored them with faith, for Allah, the Most High says in a rigorously authenticated (sahih) Prophetic quotation (Ahadith), "I delcare ware against whosoever makes an enemy of a friend of Mine."

@2.3.6 Tell the truth when you speak. It is one of the worst betrayals to tell your brother something he thinks you are being honest about when the matter is otherwise.

@2.3.7 Be honest in your clothes and dress. It is an outrage against Allah to appear to His worshippers in the guise of the righteous while secretly contradicting it with the works of the wicked.

@2.3.8 Recite the Koran and contemplate its meanings. Reflect while reading it on the qualities Allah has praised, with which He describes the people He loves. Acquire these qualities yourself and shun those Allah has condemned. Do your utmost of memorize the Holy Koran by deeds as you do by words.

@2.3.9 Never explain a verse of Holy Koran by your own opinion. Check as to how it has been understood by the scholars of Sacred Law and men of wisdom

who came before you. If you comprehend something else by it and what you have understood contradicts the Sacred Law, forsake your wretched opinion and fling it against the wall.

@2.3.10 Beware lest you ever say anything that does not conform to the Sacred Law. Know that the highest stage of the perfected ones (rijal) is the Sacred Law of Prophet Muhammad - may Allah venerate him and give him peace. And know that the exoteric that contravenes the exoteric is a fraud.

@2.3.11 Take care to eat lawful food bought with a lawful income, for the entire body of someone who eats what is lawful, his hearing, eyesight, hands, and feet, are disposed to obey Allah whether he wishes to or not; while the whole body of someone who eats the unlawful is disposed to do wrong whether he wants to or not.

@2.3.12 Keep the thought of Allah, the Mighty and Majestic before you at all times with respect to what He takes from you and what He gives. He takes away nothing except that you may show patience and win His love, for He loves the patient, and when He loves you, He will treat you as a lover does his beloved. And so too, when He gives to you, He bestows blessings upon you that you may give thanks, for He loves the thankful.

@2.3.13 Do not walk a step, take a bite, or make a move without intending thereby to draw nearer to Allah.

@2.3.14 Perform the remembrance of Allah (Thikr) silently and aloud, in a group and when alone, for Allah, the Most High says,
"So remember Me, I will remember you." (Koran 2.152).
It is sufficient as to its worth, that Allah is remembering you as long as you are remembering Him.

@2.31.5 Give frequent utterance to the axiom of Islam "La ilaha ill Allah" (there is no god except Allah), for it is the greatest remembrance (Thikr), as is mentioned in the Prophetic quotations (Ahadith):

``The best thing I or any of the prophets before me have said is `La ilaha ill Allah."

And in a Divine quotation (Ahadith qudsi),

``Were the seven heavens and seven earths placed on one side of a balance scale and `La ilaha ill Allah' placed on the other, the latter would outweigh them all."

@2.3.16 Train you children with Islamic behavior so they grow up to be Muslims who love Islam and respect the religion of Islam.

@2.13.7 Do not seek exaltation on earth, but humility in the degree to which Allah has raised you.

For Allah has brought you forth from the earth, you mother, and it is unseemly to exalt yourself above her. As a Prophetic quotation (Ahadith) says, "Allah has charged Himself to raise nothing in this world, save that He will lower it again."

So if you are such a thing, you may expect to be lowered by Allah.

@2.3.18 Always visit those who are ill, as it helps one reflect and take admonition, for someone ill is close to Allah. One has only to consider that the sick person has no one to call upon except Allah, nothing to reflect upon except Allah, and his condition reminds one of the blessing of health (al-Hall al-sadid li ma astashkalahu al-murid (y-46), 29-32).

@*BOOK 3: DECEPTION AND DELUSION

3-1 ECEPTION: Ghazali's Clear Deception of all Creation Except the Angels, the Prophets, their families, and companions

3-2 DELUSION: Ibn Qudama Delusions' Ways and Means

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FIRST DECEPTION: Revealing the Clear Deception of all Creation
Except the Angels, the Prophets, their families, and companions
Imam Ghazali, the Proof of Islam

Ghazali quoted the Koran:

"They call Allah with a great hope while they are fearful of Him."

Ghazali 450 -505 said:

"All people are subject to deception, and deception is subject to all people"

and added:

"I examined and found that deceit is attached to all those obliged, both believers and unbelievers except those who Allah, the Lord of the worlds has protected."

In the name of Allah, the Merciful, the Most Merciful

Allah has venerated and given peace to His messenger, together with family, and companions. I trust in Him. Praise be to Allah alone, who venerated the best of His creation, our master Muhammad, together with family and companions.

Having said that, I would say that this book is The Revealing the Clear Deception of all Creation

iii Ghazali's Introduction

Know that the creation is of two types, animal and non animal.

As for the animal there are those subject to obligation and those who are not.

As for the obliged, it is whom Allah has addressed and commanded to be His worshippers and promised them a reward for it and has forbidden them to sin and cautioned them of punishment.

As for one not under this obligation, is whom is not addressed or commanded as such.

As for the obliged there are two types, a believer in the Creator and the unbeliever or disbeliever.

The believers are of two types, the obedient and the disobedient ones, also known as the sinner.

And each one of these is divided into two sections, the knowledgeable and the ignorant.

I examined and found that deceit is attached to all those obliged, both believers and unbelievers except those who Allah the Lord of the worlds has protected.

If Allah wills, I will reveal their deceit. I will clarify the proofs with brevity and the minimum of phrasing making it perfectly obvious with references and brilliant details.

So let me say, and my success is only by Allah, and allow me to inform you that the deluded, other than the unbelievers, are of four types:

- 1 The knowledgeable scholars
- 2 The ordinary worshippers
- 3 Among the rich and famous
- 4 The spiritual Sufis

1. Deception of the unbeliever

As for the deception of the unbeliever, which I would like to first focus on, they are of two types:

- A. Whose worldly life has deceived him. = party, those deceived by this life
- B Who has been deceived by satan regarding Allah

The first party, those deceived by this life, are those who say that cash is better now than later, and that the pleasure of this life is certainty and the pleasure of the hereafter is doubtful. [loyalty to reason or previous association despite truth, is illogical] It is worth noting that leaving certainty for the sake of doubt is false logic. This is exactly the logic of iblis (satan) when he said, "I am better than him

(Adam)” and he thought there was validity in the reason (mud vs fire - adam made from mud vs. satan made from fire).

The *remedies* for this deception by life and satan are two:

- 1 That a deceived person to accept the Truth and become a believer
- 2 To receive the ‘sound’ proof

As for the acceptance of truth, it is that he believe Allah the High when He said. “and what is with Allah is better and more remaining” and His saying, “indeed this life is only a pleasure of deception.” Also, deceived person has to believe what the messenger brought.

As for the deceived person with ‘false’ proof, he has to know what spoiled his logic when he claimed this life is cash now, and the hereafter is delayed. This premise is sound. His fault however, which confuses him is when he claims the cash or pleasure here is *better* than the delayed reward and pleasue.

The matter is not so.

If the cash is the same in value as the delayed, this is one situation and a fair one.

But, if the cash is less in pleasure than the delayed, then the delayed is better.

And it is well known that the hereafter is eternal and the here is not eternal, hence the delayed pleasure is eternal.

Darwish added, “Even the people of current wealth are willing to part with it and invest it in the future in order to receive in the future a better and more rewarded cash.”

As for their statement that the pleasure of this life is certain, and the pleasure of the hereafter is doubtful, this is false too.

Because what is certain with the believer is according to two understandings:

- 1 Belief itself, certified according to the imitation of the Prophet and the learned people. This is just as the doctor who is an expert is imitated in his practice.
- 2 The revelation for the Prophet and the inspiration to those awlia close to Allah.

But don’t think in confusion that the knowledge of the Prophet of the hereafter affairs and the here affairs are an imitation/emulation of Gabriel. Because imitation is not based on sound knowledge. Allah protected the Prophet from such. Rather matters have been revealed to the Prophet with his own insight (baseera) as he sees the visible with his eyes.

Remember that the believers, by tongue and faith if they waste the orders of Allah such as doing good deeds, and thereby become filthy by the lower

appetites and desires, then they share with the unbeliever this deception. Therefore this worldly life becomes, for both the believer and unbeliever the same in deception.

As for the deception of the unbeliever regarding Allah, their example is like some of them saying to themselves: "If Allah is going to resurrect us, we have more rights than other people." A man says in the Koran "Nor do I think that the Hour will come. Even if I returned to my Lord, I should surely find a better place than this." 18:36

The reason for this deception is false logic, the same as iblis's, may Allah curse him.

This is because they look once to the favors that Allah gave them in this life and they equate it to the pleasure of the hereafter. (Kind of free ride! What a wishfull thinking!)

Another time they look to the respite of the punishment of Allah in this life and equate it to the hereafter. Allah quotes them, "Allah does not punish us for the things we say." (Yet, again what a wishfull thinking!)

Sometimes they look down on the believers who are poor. And say, "Had Allah given them favors among us" and "if it was been good, they would NOT be ahead of us" The aggregation of their logic is like this in their heart: Allah has given us favors in this life and every giver loves us. This is not so. Not every generous gift is from a lover. It could be a reason of gradual destruction. (How about a trail!)

This is pure deception regarding Allah. Therefore, the Prophet said, "Indeed Allah protects his worshipper the believer from this life, as one of you protects his loved one from water and drink while sick as you love him."

Therefore the people of insight, when the dunya (life) comes to them they become upset and when poverty comes to them they become happy. Welcoming poverty is the maxim of the good.

Allah said, "As for the human when the Lord tries him He gives him honor and favor. Do they think that what We extend of them that We are hastening them goodness. We come from them from where they do not expect. And when they forgot what We reminded them with, they become joyful with what they had been given, We took them suddenly."

None will believe in Allah if they believe in this deception. The root of this deception is ignorance of Allah and His attributes. Whosoever knows Allah, he will not be safe from His destiny and justly astute reply.

Haven't they looked at Pharoah, Haman, and Nemuth! What happened to them after Allah gave them lots of wealth? Allah has warned of His destiny when He said that no one is deceived from His destiny except the lost.

"They plan to con but Allah is the Best of Planners."

"And delay the unbelievers for a while"

So whoever Allah has given favor must be watchful so that it does not become a curse. "We seeked knowledge not for Allah but for ourselves, and the knowledge turned and lead us to know Allah."

Section About the deception of the sinner among the believer.

The deception of the sinner among the believer comes from their saying that "Allah is the Forgiving and the Merciful. We only seek His pardon." So they relied on this statement and neglected their deeds.

Darwish added, "As such the deception of current Muslims, because they are weaklings in Islamic knowledge, fell into the same trap claiming that 'everything is written' so they neglect their deeds and fail to understand that the Holy Writing doesn't relieve them from responsibility due to the freedom of choice granted by Allah to choose to do good or bad."

Though, the statement of the deceit sinner among the believer is praiseworthy in the religion. The Mercy of Allah is wide and His favors are comprehensive. His generosity covers everybody and we are indeed believers in His Uniqueness and hope by means of faith, generosity, and kindness.

Also, there is the possibility that their deception comes from their mothers and fathers being good. This is deception at its deepest. Why? Because though their parents were good and pure they also were fearful. And guess what? It looks like these people articulated their logic following the same satanic logic that whosoever loves a person must also love his children.

As if satan tells them, "If Allah loves your parents He loves you, so you are not in need of your deeds of obedience." Thereupon they relied on that and got cheated regarding Allah.

These Muslim sinners almost don't know that Noah wished to carry his son in the arc and was forbidden. Allah caused him to drown in the same flood that drowned Noah's nation. As they have forgotten the saying of Allah, "No one's responsibility will be substituted for another's" and His saying, "Due to a human is only what he has done". So whoever guessed that he would be saved by the righteousness of his father is like someone who thought he would get full by his father's eating or satiated from his father's drinking.

Besides, fear is a personal and individual obligation, in which no father can substitute for a child. When it comes time to recompense the taqwa, a man will run from brother, mother, and father, his companion and his children, except through intercession.

Also, they have forgotten that the traditions reports, "The wise person is one who discredits himself and practices for the sake of whatever comes after death and the truly incapable who follow the desires of his own self and practice wishful thinking regarding Allah."

Also Allah said, "Those who believed, migrated, struggled in the cause of Allah they are indeed desiring the mercy of Allah and Allah is Forgiving and Merciful." It is recompense for what they used to do. Is it sound that the wish has to be superseded by deeds? If not then it is deception, absolutely. Wishing to rely on Allah is only to cool the heat of disappointment and fear. These benefits are referred to in the Koran, and encouraged to do more.

Section:

1

Those whose sins are more than their good, obedient actions, and they have wishful thinking and are looking for forgiveness, thinking that the scale of their good deeds are more than the scale of their evil deeds. This is the result of ignorance.

For example, you will see one of them paying a lot of charity from both lawful and unlawful sources, even though what he takes of the wealth of people is far greater. What he has gained from pilfering the wealth of people and shifty deals is far more than his lawful income. Another example of such a person is one who puts 10 dollars on one scale and 1000 on the other end, thinking that the 10 will outweigh the 1000! This again is a result of ignorance.

2

Another group in which one of them actually thinks his obedience weighs more than his sins. He does not take his own self to account and he does not audit his sins. While, if he does a good deed, he remembers it and counts it. His example is like a person who asks Allah for forgiveness with his tongue and exalts Him day and night, 100 or 1000 times, then he slanders his fellow Muslims and he speaks all day of what does not please Allah.

Then he pays attention to what has been reported regarding the virtue of exultation and completely overlooks and forgets what is reported regarding the punishment of liars, slanderers, and hypocrites. This is pure deception. Protecting his tongue from sinning in this case would be more worthy than his exaltation of Allah. Exalted is He who guides us to draw attention to such matters!

[However we are not recommending that you do not exalt Allah, for Allah never ordered us to do something much, except the remembrance of Him.]

Section: Showing the types of deceived people and the classification of each type.

The first type of deception: Amongst the Knowledgeable

The deceived Knowledgeable group who mastered the religion and reason based sciences, diving deep into them, fully occupied, to the point that they neglected their limbs and they did not only restrict them from sin, but also restricted them from obedient matters. Their knowledge deceived them.

They thought that they had a rank with Allah and that they have reached high rank through knowledge and that Allah does not punish such people, letting them intercede for others, and that He will not charge them for their deeds and mistakes. Indeed they are deceived.

Had they looked introspectively they would have learned that knowledge is of two types: practical knowledge and knowledge of the unseen, which is the knowledge of Allah and His attributes. Practical knowledge [Jurisprudence] is a must in order to find sought after wisdom, dealing with what one knows of lawful and unlawful, and the knowledge of manners, whether they are praise-worthy or condemnable.

Their example is like a doctor who cures others while being incapable of curing himself, so he remains ill. Is any medicine sufficient through only its being prescribed? No way. The cure will not benefit you unless you drink it after having become sick. This party has overlooked the saying of Allah, "Indeed he who has purified it (his soul) is the winner and the loser he who has hidden it".

Notice that He did not say, "He who knows how to purify it, wrote it down and told the people." They have also overlooked that the **Prophet said, "Whoever increased in knowledge and did not increase in guidance, he only increased in distance from Allah" and many other statements of the like. These scholars are deceived. We seek refuge in Allah from their condition.** Indeed the love of the world and the love of their selves and seeking the current comforts have overcome them. They thought that their knowledge without its practice would save them in the hereafter.

2

Another group perfected knowledge and the apparent good deeds and also avoided the apparent sin, but they overlooked their hearts so that they never cleansed them of attributes condemnable by Allah. Such people have **pride, show off, envy, seek to be the boss, and consider themselves higher than others.** They wish harm to friends and partners and seek fame in cities and countries.

The reason for this deception is their overlooking the statement of the Prophet "Showing off is the small shirk (disbelief)" and his saying "Envy devours merits as fire eats dry plants." and his saying "Love of wealth and honor plant hypocrisy in the heart as water plants seeds" And the like. Also Allah said. "Except he who comes to Allah with a unblemished, sound heart."

They overlooked their hearts and became busy with their appearance, and whosoever does not have a pure heart does not have valid deeds of worship. He is like a sick person whose skin suddenly has an itchy disease arising from an internal cause, so the doctor prescribes for him both ointment and liquid medicine. He applies only the ointment but neglects the medicine, so his skin's appearance barely improves and the cause of the ailment still remains. Furthermore, due to the fact that what he has in his appearance relies on what he has inside his itching not only continues but increases. So, had the internal cause been quelled his skin would have recovered for good. Such is the example of the filth which is hidden in the heart. It pushes the traces of its disease to the limbs.

Contemporary deception, added by Darwish

The American Deceit Special

Special cases for America, one of the deceptions happening nowadays is the lack of respect shown Muslim scholars, they are not sought out. Then the Muslims think that if they pick a book or two reading in without a chain leading up to the prophet, that they think themselves knowledgeable. Thereby they sever the most characteristic part of this nation by transmitting knowledge of the prophet via thabt and Ijazah and they increased into ignorance till it became complex, ignorant that they are ignorant.

The another contemporary deception is the many of the people who migrated here to the land of opportunity who accomplish material positions and accumulate wealth in their neighborhood and then jump into mosques where only Allah and his prophet should be mentioned and try to control it turning their imams into prayer and limited lecture givers only, some of them will choose only uneducated junior imams for obvious reasons. They set up government inside so the mosque which should be the center for pressing the Islamic knowledge of the Prophet converted by them into a democratic, secular voting competitions during the last 10 days of Ramadan. In delusion they recall the mosques the Islamic cultural centers or isna or icna and the like. And Narrow the mosques as the prayer area. Well Houses in Paradise are for who builds Mosque and houses of worship for Allah, based on the Koran and Prophetic saying (Hadith) methodology, not the non-profit organization. We did not even mention the luandormat of charity tax deduction funds etc.

Though the Muslims in USA are the richest in income, they are the least in supporting Ulama (learned Imams) preparation

3

Another group knows the importance of having internal problematic ethics, and know it is condemned in jurisprudence. However, due to the fact that they are so fond of themselves, they think that these do not apply to them and that they are too high in rank with Allah to be tried with such as it is only for the common people, not for people like them who reach their level of knowledge.

Soon they enjoyed the characteristics of pride, arrogance, wanting to be the boss, seeking to be higher than others in rank and interpreted. They are deceived in that they thought that these are not traits of pride or arrogance, but rather the strength of the religion, showing the honor of knowledge and the victory to the religion of Allah. They overlooked that satan (iblis) is happy with their behavior.

They even overlooked Omar's statement, "We are honored by Islam, we do not seek honor by other than it." Also, they overlooked the humbleness of the companions and their humility, poverty, and neediness. They even overlooked the best example, the characteristics of the Prophet and the rest of his closed companions

Instead, one of these people seeks the honor of religion via fancy clothes. He claims that he seeks the might of knowledge and the honor of religion, heedless that his tongue is loose with envying his peers and whosoever retorts his statements. He does not consider this as envy, but rather being angry for the truth. He claims it to be a reply to those in the wrong in their enmity and their harm.

This deceived person, if he was in the wrong against other scholars of his peers he would not be angry but he would be happy, even if he shows that he is angry but his heart loves it.

Sometimes he shows off knowledge, claiming that doing so is to benefit the people. He is indeed insincere, for had his aim been for the benefit of the people he would love benefit coming from other than him as well, via his peers, whether equal, lesser than, or above him. He goes to the leaders and patronizes and praises them so they love him and when he is asked about it he says, "My intention is to benefit the Muslims and save them from harm." He is so deceived, because had he has that aim, he would be happy if this happened by other than him or that someone else's hand was with the sultan. On the contrary he would be upset!

Also, he maybe takes from Muslim wealth unlawfully and when it comes to his conscience that it was wrong, satan tells him, "This wealth has no individual

honor. It is for the common good of the Muslims and you are the imam of the Muslims, their learned authority, and by you Islam is established.” These three matters are so obscure! The first is that wealth has no individual honor, the second is that it is for the common good of the Muslims, and the third is that he is the imam. Can anybody become imam unless he avoids this life like the Prophet and the companions and the good scholars of this nation? [As such is the case of the \$18 billion gold fund owned by 19 blood children of Wahabi founders and the wahabi verdict (fatwa) that there is no obligatory charity upon sauides family members to pay for the Oil annual income]

His example is like Jesus (please see the Christian deception appendix) said, “The knowledgeable evil person is like a stone fallen in the water’s entrance of a valley. It does not drink water and it does not allow water to go to the plants.” The types of deception of the people of knowledge are numerous. These type of people harm more than they reform.

Wahabi’s deception

A group of Najdi ignorant people amount few hundreds thousands started by claming the unbelief of over a billion Muslims because they do not follow their founder and his 600 years techer of choince. Then truned to be they revived the Khariji un-islamic sect thought and practice. Their founder started by killing the Uluma in Mecca and medina – see the last book “Their Path” – The problem now is that the most of Muslims masses follow them specilally the students in colleges and local mosques, not to mention all the fighters in Afghanstan, and other places.

4

Another group of scholars perfected knowledge and purified their limbs with deeds of worship and avoided the apparent sins and they examined their self and the attributes of the heart from insincerity, envy, pride, malice, seeking to be higher than others. They struggle internally to purify themselves from all this and extracted from the heart its deep strong roots. However, they are deceived because they left in their heart reminders of hidden tricks of satan and hidden tricks of the soul that are small and hard to detect.

They did not pay attention to them and neglected them. Their example is like he who planted and wanted to purify his garden from weeds so he searched for every one of the weeds and pulled it out but did not look for the roots of those not sprouted. They think that what is apparent is all there is. So when they neglected it, later it appeared and spoiled the garden. These will soon change to the worse. Sometimes they avoid the people as a type of pride and sometimes they look at people with disrespect. Sometimes they strive to look good and pious and handsome, so that no one looks at them with disrespect.

5

Another group left the most important religious knowledge related government and worldly affairs. Now they focus on verdicts, disputations, and the details of business deals between people and they classify names of jurists and criticize them. Maybe they wasted even the apparent knowledge along with the inner and never protected their limbs or watched their tongues when slandering, their stomachs when consuming forbidden (haram), their feet when walking to the rulers, and so forth with the rest of their limbs. They did not protect their hearts from pride, insincerity, envy, and the rest of the destructive behaviors.

These are deceived in two aspects, the first one is due to the practice itself which I covered and demonstrated the best practices in our book *The Revitalization book (al Ihya)*.

Their example is like the sick person who has been taught the art of curing from the doctors but did not practice it. So indeed this group of people are on the edge of destruction from which they have left purifying themselves, keeping busy with books about menses, ransom, and divorce, etc. They have wasted their life, for they were deceived by the way people treat them with respect, honor, and greatness. They turn into judges and spokesmen and they stab each other in the back but when they meet all this goes away temporarily.

The second deceiving aspect is coming from their 'knowledge' that they think that there is no knowledge but this and this is the knowledge that will save you. On the contrary, the only thing that saves you and makes you rich is the love of Allah.

You cannot imagine loving Allah the High without knowing Him. Knowing Allah means:

- 1 Knowing Allah
- 2 Knowing His Attributes
- 3 Knowing His Deeds

Their example is like someone who sells provisions on the road going to Hajj, but he is not going to Haj himself. He did not realized that the jurisprudence is the understanding of the laws of Allah and the knowledge of Allah's Attributes that admonish and scare the worshipper in order that the heart fears and inclines to the avoidance of sin, thereby avoiding hell. As Allah the High said, "had a group of each learned the jurisprudence and returned toward their folks..."

And among these people are those who focused, within the science of jurisprudence, only the matters of disputation. They cared only about how to debate, argue, and overcome opponents, even pushing the truth in order to win and how to be proud about it. So all day and night they search in the different gaps between doctrines and look for the shortcomings of peers and so forth. So

indeed this group is not really intent on knowledge, rather they intend the fame and fondness of peers.

Had they occupied themselves with purifying their hearts it would have been better for them than knowledge that benefits only in this life and produces only pride. All this turns on the Day of Judgment into the blazing fire. Worse yet, the proof of this is well presented in the book of Allah and Prophetic knowledge. So how bad is the deception of these people!

Another group occupies themselves with the science of debate and defending against opponents, following their contradictions, purposefully become specialized and increasingly devoted to teaching this path of debating and cornering. These are of two groups, one astray and guiding others astray, and the other on the path of Truth.

As for the first of those in error and guiding people to error, their ignorance comes from thinking themselves safe even though they err. These are broken into numerous groups, in which every one accuses the others to be unbelievers and this error comes from the lack of enforcement of sound conditions and its methodology. They see the truth as confusion and see confusion as truth.

As for the group on the side of the truth, their deception is that they thought debating and arguing is the most important matter and the best sacrifice in the religion. They claimed that no one's religion is complete until one examined and researched. Whosoever believed in Allah without such research and auditing is not a believer, not perfect, and is not near to Allah. Not so! They completely overlooked the first century. The Prophet bore witness that his generation of Muslims are the best generation and he did not ask them for proof.

The companion Abu Omama Al Bahili, may Allah be pleased with him, reports that the Prophet said, "There has never been a nation that was misled except that they debate was given to them."

6

Another group of scholars are busy admonishing others and applaud those who speak on the characteristics of the soul and attributes of the heart such as: fear, trusting, looking forward, patience, thanksgiving, reliance on Allah, disinterest in this life, certainty, sincerity, and truthfulness. This group is deceived because they think that if they speak on these attributes and call others to it, they exhibit the same qualities. In fact they are far from them, and if examined they prove to have very little of them, equal to the lay man.

This kind of deception is very strong, because they are fond of themselves to the fullest. They think that if they dive into the science of Divine love they are saved by Allah and will be forgiven just because they memorize the phrasing of good people, although they do not practice it. These peoples' deception is greater than

those previously mentioned because they think that they love Allah and His messenger.

They have not taken care of the delicacy of sincerity. They have not cured the hidden condemnable characteristics of the soul nor the rest of their attributes. They cherish most of this life, more than anybody else, though in appearance they show that they are disinterested in it. In reality they are holding firm on this life and have a strong desire for it.

They call people to sincerity and they are not sincere. They show their supplication to Allah and they are apart from it. They call people to fear Allah while they feel safe from Him. They order people to remember Allah and they are forgetting Him. They call people to the nearness of Allah, and they are far from Him. They condemn bad manners, while they have them. They advise a person to stay away from people, but they themselves are strongly engaged with the people. If they are prevented from their meeting in which they call people to Allah, the whole earth seems narrow for them.

They claim that their aim is only to correct the people and reform them, but if any of their peers start receiving the people they will almost die from envy and feeling bad. If anyone comes to him and praises one of their peers, that peer becomes the most hated to them.

Indeed these are the most deceived! They are far beyond returning back, because they already have the necessary tools which they abandoned them all together!

7

Another group bypassed the most important obligations. These are all the preachers nowadays, except the few Allah protects. They are occupied with a combination of obedience, sinister exaggeration and fabrication beyond the bounds of justice and the religion, seeking to be strange and different.

Others became busy with humor and speaking with rhythm and rhyme. This became their utmost goal, referring to the poetry of love and separation. Their aim is to have in their meeting lots of reaction and praise. They do so even at the expense of quality and decency. These are the satans of mankind. They have already erred and they guide other people to error. [Allah said, "Indeed, Allah does not guide who misguides"]

As far as the good early preachers, they reform themselves and indeed they reform others. They corrected their phrasing and their admonitions. But as for these people, they only bar from the path of Allah and drag people to false desires and deceptions about Him. They do so skillfully, with bravery and boldness towards sin! Their want is only for this life. Especially when the teacher

is well dressed, showing off, and he admonishes them to despair of the Mercy of Allah until they do so!

Another group is satisfied with the words of worshippers and their stories regarding the disliking of this life, etc, so they repeat this as they memorize it without deep understanding of its meaning. One of them will admonish the masses with such from the podium and another will admonish people in the markets. They think that they are safe from Allah, merely by memorizing the words of the worshippers, being devoid of doing what they advise. Again, these people are more in deception than those of the previous group.

8

Another deluded group spent their time in studying a limited part of the science of Hadith. They hear them, collect chains of transmission, search for rare narrations, and even go about to other countries so they can report via master sheikhs, all-the-while being insincere. They only do this to say that they report via so and so and they met so and so and they have a lot of the narrations that nobody else has. Their deception is from several directions. For one, they carry books but do not pay enough attention to understand the Prophetic ways and dive into their meaning. They focus only on the narration of the Hadith and they think this is sufficient.

They do not know the principle of Hadith is to approach it in this manner: firstly you listen to the Hadith, secondly you memorize it, thirdly you understand it, fourthly you practice it, and fifthly you pass it on to others.

These people only focus on listening; they have not let the Hadith take charge. They abused it and withheld its rights over them. Indeed, there is no benefit whatsoever in focusing just on listening! Nowadays Hadith are read to youths while they do not pay attention. The teacher himself does not even pay attention sometimes, so perhaps the students write the wrong words down and he does not know it. Maybe he even sleeps and the Hadith is reported and he does not even know it. All this is deception!

In principle, listening to Hadith started this way: each one of the first generation of companions practiced after each listened to the Prophet and memorized it as each heard it, then delivered it as each memorized it, therefore the narration comes from memory and memory comes from hearing which put in practice.

So, if one were unable to hear it from the Prophet, then he listened to it from the companions, or those who followed them. Thereby his listening becomes as if he heard it from the Prophet. That is, he paid attention, listened, and memorized it, practiced and then reported it as he memorized it. He does this in such a way that he does not have a doubt, even in a single letter of the Hadith, because if doubt occurs he will not be allowed to report it or to tell about it. If he made a mistake in a letter, he will be judged as having erred.

Memorizing Hadith is done in two ways: One, by the heart with the continual and repetitive remembrance of it. The second is by writing it, proofreading what is written, and protecting it so no hand can change it. The way to protect a book is to put it in a safe, guarded so no one will touch it other than whoever wrote it down.

[Darwish added: If Ghazali comes today to America he will be shocked that hadith is abandoned and that the Muslims sold the Prophet for a little price and kept him in the back burner of their lives, even far worse than he warned 'from that they take him as disposal throw away cup!' I ask Allah protection, and I quit and reject such behavior of American Muslims and all Muslims living in America abandoning over 8266 authentic ahadith download them all in www.Muhammad.com]

[Look at Ghazali analysis study of Hadith manner, and later comes bunch of ignorant people who are not Muhaddith themselves and criticized him for mentioning some weak hadith in manner which completely okay as certified by Imam Nawawi, and these people lied on Ghazali claiming that Ghazali reported 10s of false hadith which many Hufaz proved them wrong such as As far as Hadith and Prophetic sayings, some people objected that he did not stick to special ranks of authenticity, though he did not mention a single false Hadith.

Al Hafiz Al Iraqi, who passed in 806 ah has written two books to defend the Hadith reported in Ghazali, one large book in 751 ah and a shorter book. This one is printed in many margin in editions of Ghazali. He wrote the smaller one in 760 ah as an abridgement and follow up for some hadith he searched out for 9 years. He proved that there not a single false hadith in Ghazali work,

Ibn Hajar found even more supportive narrations to defend al-Ghazali Here is a calendar of work defending al-Ghazali. No critique of Ghazali is honored due to **juvenility** of those who criticize Al Ghazali when compared to him and his academic followership of scholars.

The following Hufaz defended Ghazali

751 Al Iraqi's large volume supporting Ahya with a hold on several Hadith for research

760 Al Iraqi's Abridgement of above, including those previously on hold

806 Death of Al Hafiz Al Iraqi

Ibn Hajar wrote a volume following up on his teacher Al Iraqi's support of Ghazali

852 Death of Ibn Hajar Al Asqalani

897 Zain Adeen Kazim Qatalubagha wrote a book and added further support

of Ghazali
812 Death of Sheikh Muhammad Al Ajluni
Sheikh Muhammad Al Ajluni wrote Best Ghazali abridgement 1/10th in size

The last juvenile person I heard to criticize al Ghazali is a Wahabi person called Jama Zarabozo of Boulder, Colorado, USA. I went to visit him in May, 2004 and he refused to meet me, and denied that I called him many years ago – what a memory for a person who wants to study Hadith – when I was in New Mexico and heard that he was interested in Hadith. My intention was to give him my Arabic Hadith collection of transmission of Thabtab ash-Shaykh al-Bayhaqi after visiting him in the name of Allah.

Later, when I came to know that he has Ibn Taimiyyah and Ibn al-Wahab the Kharijites as conditions in his faith and practice I was happy that I did not meet him. What a blessing.]

It is not even allowed for a child, or the drowsy, or an inattentive person to hear a Hadith. In fact, there are many conditions to listening to Hadith, but in short, the goal is to practice the Hadith and know it. Besides, it has many ways of being understood, just like the Koran. It is reported that Abu Sufyan Ibn al-Akhnaf attended the Hadith meeting of Zahir Ibn Ahmad, and the first Hadith reported was, "The Prophet said, 'Among the good of one's Islam is that he leaves what does not concern him.'" So he stood to leave and said, "This suffices me until I am ready for another Hadith." This is the way people used to hear Hadith.

(Remember the Islamic missionary work is zero both in USA and abroad)

9

Another group of scholars became occupied with the knowledge of grammar, language, poems, and prayer usages. They became deceived, claiming that they have been forgiven, and they are beyond the learned people of society as their religion is established on grammar and language. They wasted their lives in the details of syntax and speech and indeed this is a great deception.

Had they some reason, they would know that the language of the Arab [Tell American Muslims like Zaytuna Institute and Hamza Yusuf about it] is like the language of the Turk and whosoever wastes his life in the Arabic language is like the person who wasted his life in the Turkish language, or the Indian language, or any other language. The only difference between these languages is that the religion came in Arabic. It is sufficient to study of this language what will cover the Koran, Hadith, and basic grammar. As far as diving deep to a degree of limitlessness, it is luxury we can do without and its practitioner is deceived.

The deceived people of the worshipping and practice consist of many groups. For some of them deception is in prayer, some the recitation of Koran, some with Pilgrimage, some in fighting the unbelievers, and some in asceticism (zuhd).

Among them is a group who neglected the obligatory and got busy with the non-obligatory. Perhaps they even dive so deep into it that they reach the level of waste and transgression. Like someone who is in continuous doubt about his ablution, so he overdoes it to the point that he does not even like pure water. He starts making assumptions that are very distant, brings them near and applies them to the water to declare it impure.

The opposite of this deluded fellow is one who consumes the unlawful. He considers the very near assumption as very distant and he perhaps one day even eats the completely forbidden.

Had the great attention given the water, been paid to the food, it would be better fitting. The proof is in the companions. Omar made ablution from a water jar of a Christian woman, and there was clearly a possibility that it contained filth. But he left many opportunities for lawful, pure food, lest he fall into one that was unlawful!

For another group, doubt has overcome them in forming the intention for prayer. This reaches the point where satan does not let them muster a single intention for a prayer, but rather continues whispering on the person till he misses the whole congregational prayer. Sometimes one of them misses the prayer time entirely. If he ever completes the first obligatory "Allahu Akbar", his heart remains hesitant and doubtful about it throughout the whole prayer.

Sometimes the hesitation in pronouncing the first takbeer causes him to change its sound and phonetic characteristics such that it is no longer a takbeer, due only to his over-consideration. Sometimes he even misses the whole 'Opener' chapter. He hesitates at the beginning of the prayer and then misses most of the prayer and moreover, his heart is not in it. He was cheated by such because he did not know that the presence of the heart in the prayer is obligatory! Thus satan deceived him by telling him, "this cautiousness puts you above the lay man, you are in good shape with Allah!"

For another group, the whispering and hesitation comes regarding the letters of the Opener Chapter and the rest of the daily repetitions of Allah's names and supplications. So he continues paying attention to the (nunations) and the differences between the letter "Tha" and the letter "Za" and nothing is more important to him than this. He does not ponder over the secret meanings of the Opener chapter. He did not know that what Allah obliged the people to do in recitation of Koran is to realize the normal phonetics of the habit of their own language. This too is a great deception.

Their likeness is he who bears a message to the assembly of the ruler, and was ordered to give it properly so he started delivering the message and started articulating the locality of the letters and repeated it again and again, not paying attention to what is wanted of the message and the respect of the assembly. There is no doubt that he needs nursing and that he will be sent to the mad house, being judged as having lost his mind.

Another group has been deceived in the recitation of Koran. They read it so fast that one might recite the whole Koran in one day and night. While their tongues are running with it, their hearts are running in the valleys of hopes of this worldly life. They do not think about the meaning of the Koran to follow its admonition and its sermons and stand by its order and what is forbidden. They ought to contemplate in the places calling for contemplation and enjoy the meaning not the rhythm. And, whosoever reads the book of Allah a hundred times in a day and has left the orders of Allah and what is forbidden, he is worthy of punishment.

Maybe he has a beautiful voice and reads and enjoys himself and is deceived by his enjoyment and thinks this is the pleasure of speaking with Allah and listening to His words. How far from the truth he is regarding of the joy of his sound! Had he reached the pleasure of the words of Allah he would never regard his voice and its beauty, nor would his thought ever be focused on such. Therefore the pleasure of the words of Allah is only from the meaning. Therefore this fellow is in a great deception.

Another group was cheated and deceived by fasting. They maybe even fasted every day, or just the honorable days, though they do not protect their tongues from slandering or their thoughts from showing off. Their stomachs are not protected from unlawful consumption and they do not refrain from gossip, chatting, and vain talk. So, these people followed the good, but not the obligatory and they think they are safe. How far they are from being safe! The safe are only those who come to Allah with a sound heart.

Another group, they are cheated by pilgrimage. They go without returning the wealth of others and before they pay off their debts. They do not please their parents or seek lawful provision. They might even neglect the obligatory prayer on the way. And maybe they fall short of purifying their clothes and bodies from filth. They wheel and deal with financial profiteers, throwing caution to the wind. On the way to hajj, they dispute and disown one another. One might just gather forbidden money and spend it on his travel companions, seeking to show off and earn a nice reputation of generosity.

So firstly he disobeys Allah by gaining income unlawfully and then he spends it to show off! Then he reaches the kAba with a filthy heart bringing with him bad manners and the worst of attributes. Despite all this, he thinks he is in good shape with his Lord, so he is deceived.

Another group, they have chosen the path of fear, ordering righteousness and prohibiting people from the unlawful. But, one of them will object when people do wrong and order them to do good, all the while forgetting himself. When he orders them with good, he does so overbearingly and with roughness. He seeks leadership and authority over them. If he commits an objectionable act himself and is called out, he replies, "I am the authority, how dare you object to me!" Maybe he gathers the people in the mosque and whosoever is delayed, he speaks harshly to them. Sometimes his showing off, seeking leadership, and all the other accompanying concerns come to the point that if anyone stands in the mosque other than him he assails them!

Among the common worshippers is one who pronounces the call to prayer and thinks he is doing for Allah, but if anyone else comes to do it when he is delayed, it is as if the Day of Judgment has started! He says, "I did not get my due rights and I was ousted from my position."

Some of them like to seek the leadership and thinks he is the best though his intention is to be called the imam of such and such a mosque. The sign of his deception is when anyone comes with more knowledge and purity than him, it becomes hard on him.

Another group migrates to Mecca and Medina to have the honor of being the neighbor of the Prophet or the house of Allah. They are cheated in two places because they never watched their hearts and purified neither their appearance nor their insides. Maybe their hearts are still deeply connected to their countries and their old homes. You will find them speaking of it, saying, "I have been a neighbor here for many, many years..." They are cheated by deception, because they are better off to be in their own country and long for the two cities.

If they happen to live in Mecca, they must uphold and observe the rights of Allah and if they live in Medina they must uphold and observe the rights of the Prophet. These people are deceived by the appearance because they thought the walls were going to save them. Sometimes their soul does not even permit them to give a mouthful to the poor. We know how complex observing the rights of ordinary neighbors is, much less neighboring the Prophet! The best way of neighboring is to observe and protect your heart and limbs.

Another group, they show no interest in wealth and are satisfied with limited food and non-luxurious clothes. They even live in the mosques. But, they thought that they will reach the rank of ascetics though they really desire leadership, rank, and fame. Leadership comes either by knowledge, by preaching, or by hermitage. So, they left the easier of the two options, between wealth and claim of spirituality and went for the hardest one, which is more destructive than beneficial. Spiritual rank is more important than wealth, but had they left the false claim of spiritual rank and gone for the money, they would be better off! These

are deceived because they thought they were among the ascetics and do not even know the meaning of this life. They might even give respect to the rich man over the poor!

Some of them are so fond of their deeds! They go into seclusion from people and then into spiritual seclusion, but they do not have the necessary prerequisites. Some of them, when they are given wealth, reject it fearing that people might say that they accept wealth, though deep in their heart they are anxious for money, but fearful of the people's condemnation. Among them there is one so highly disciplined in his limbs that he prays perhaps a thousand times a day and often completes the recitation of the whole Koran.

For all these deeds it never occurs to him to be disciplined in his heart by examining it and purifying it from pride and self-gratification and other destructive characteristics. Perhaps he thinks that the apparent worshipping is weightier on the scale of merits and rewards, which is far from truth. One atom of fear of Allah or the good manners of the wise is better than mountains of the deeds of such people.

He becomes more deceived when someone tells him that he is one of the anchors of this earth and among the friends and beloved of Allah. If this is said to him he praises and complements the well-wisher's soul. However if he is insulted a few times in a day, he will turn deeply ungrateful and struggle against whoever insulted him, maybe even telling him that Allah will never forgive him!

Another deceived group focuses on volunteer activities but never cared about the obligatory. You will see one of them pay such great attention to the duha (late morning) prayer and night prayer, but never feels any pleasure or good from the obligatory prayer. For example, when he goes to pray zuhr he is livelier in his praying the two rakat after than he is for the four of the congregational prayer. He forgets what the Prophet said, "All the people who want to get near, nothing will get them near more than what I obligated on them."

Neglecting the prioritization of good is among the evil actions. Maybe a person is subjected to two obligations at once. One of them is impacted by time and the other not. Or perhaps they are subject to two volunteer activities, one that has to be done in a limited, short time and the other that can be done within a longer time span. So, if one does not acknowledge or honor the prioritization, he is cheated. There are so many examples of this deception they cannot be counted.

Let me tell you, sin is clear. But, what is not clear is the precedence of some acts of worship over others. For example all obligatory acts have precedence over volunteer actions and the individual's obligations have precedence over the collective obligation of the community. Therefore, you should pay attention to the precedence and importance of individual obligations over what is less than them.

You should give precedence to what can be lost in the passing of time before being accomplished and thereby meet its deadline.

Give precedence to the rights of your mother before the rights of your father. And give precedence of your budget and your parents needs over going to Hajj. You should give precedence to the Jumuah prayer when it arrives and in general you give precedence to religious obligations over secular ones.

A worshipper is good when he executes this notion of precedence, but people get deceived. Because most precedence is so delicate and hidden, few are able to make differentiation except those well established in knowledge.

These deceived rich and famous are composed of many groups. One pays attention to building mosques, schools, forts, dams, water tanks, and whatever else is seen by people. They put their names in stone so that their memory is eternally stuck to the building and persists after their death and they think that by doing so, they are forgiven.

(Funny, their graves have their names written in stone, too)

They are deceived in two ways. First they earn their money from unlawful sources (*like via monopoly*), from borderline sources, bribes, and from the sources subject to forewarning and precaution. So these people are already subject to the Anger of Allah in their earnings.

If they disobeyed Allah in their earnings, the applicable obligation is repentance and returning the wealth to those properly due it, if they are alive, or to their inheritors if they are not. However, if they do not have inheritors or heirs, then it is to be spent in the most worthy of good causes, such as giving it to the needy. What is the use of an unnecessary building if you only leave it behind when you die?

(We are not against builders but investments should be for the poor and needy, global families, kids, babies, etc. That is, we are for everybody doing what they are good at doing, but they should do it for the common good, for the sake of Allah)

The second way is that they think themselves sincere and that good is in expenditure and erecting the building. But if any one of them is asked to spend one dollar on a needy person, his soul would not permit him, because wanting to be thanked and praised is deeply cherished in his soul.

Sometimes cheating means that you are in a state of deception.

The next group of the rich earned lawful and avoided unlawful wealth and then built mosques with it, but they too are cheated in two ways.

Firstly they show off and seek fame and praise. Maybe they have a poor neighbor or hometown - spending wealth on them is more important than building extra mosques, because the aim of building a mosque is only to establish one centrally for the whole town, such that it suffices for congregational prayer. The goal should not be to build a mosque on every road and every neighborhood while the poor are in need. It is easier for them to build a mosque than to pay the poor because mosques are actually seen and used by them. These investors think that they are doing something for Allah and their intention justifies this. But this person's intention really is subject to the Anger of Allah, though he says, "I do this for only Allah the High."

In America spending money in preaching Islam to non-Muslims and investing in qualified traditional Muslim scholars who can teach both young and adult Muslims is more important than building extra mosques. Investing and taking care of the current mosques by transporting people to it and carrying on traditional Islamic activity such as feeding the poor and transmitting the Islamic literature freely not for sale is more important than building mosques.

Secondly, they spend in the decoration of mosques with all kinds of arts and crafts which we are ordered to avoid because the hearts of those in prayer are distracted, occupied away from humility in their prayer - which is the very purpose of the prayer. So everything bad happens in their prayers and continues outside the prayer. All this lands in the scale of the one who decorated the mosque, because decorating the mosque as such is forbidden. Al Husain, may Allah be pleased with him, said, "When Allah's messenger wanted to build his mosque in Medina, Gabriel came to him and told him to build it seven arms lengths high and not to decorate it nor to sculpt in it." These people took the prohibited as righteousness and then followed through on it. As such they are clearly in a state of deception.

(The Jews are cheated by a couple of things: They are led by Moses, who, when he killed a non-Jew was remorseful for the rest of his life and asked Allah for forgiveness. He also objected on the Green Man when the Man killed a kid. Yet they kill innocent Palestinians on the side. Jew who? Sell outs! Now the Palestinians they are cheated on the other hand by not supporting each other where they have lots of rich and fame all over the world, some in Arab countries and some in America and they can buy a complete parcel of land and put ALL the Palestinians on it. SEE the Verse "the land is wide..." MOVE! They cannot use Jerusalem as an excuse for not treating their own people or anyone else unfairly, especially in the name of Islam. Abu Hanifa said that if land is taken, it is no longer Muslim land and to leave it. Also, they should be inviting Jews and others to Islam if they were sincere about it. They are going for democracy instead of establishing a religious state, like the Jews (perhaps pretend) to do! Are you kidding me?)

Another group spends wealth in charity for the poor and the needy. They call upon large assemblies and parties about it. But when among the poor, whose nature is to thank, and to spread the words of thanking, these people of course hate to pay charity in secret. They interpret the poor who hides what he gets as a traitor and ingrate towards the good given him. They might even leave their own neighbor hungry!

On this topic, Ibn Abbas, may Allah be pleased with them both said, "At the end of time, a lot of people will go on pilgrimage not for any other reason but that they love traveling, not to mention that they will have a lot of wealth. They return back sinners, robbed (*from the goodness of Hajj*). Each one of them, his ride cruises him through locations and desert while his neighbor is almost his captive next to him. He never displays sympathy or even checks on him."

A lot of Hajj programs in the west sell it like a tourist package. The providers creatively turn it to include non Hajj intentions, such as visiting world amusements, tourist locations before and after, luxury hotels, not to mention the visa taxation on every Muslim from the Saudi, the rich hosts, who do not even pay zakat on their giant oil money amounting into the billions. Abraham prayed for this baraka, but 100% for Allah, exalted is He, the High (subhanau wa tala)

The next group is those who are lords of money who protect it and hold on to it with greed. They occupy themselves only with bodily worship which does not require expenditure (except with small time spending), like fasting the day, praying the night, often completing the recitation of the Koran. These people are deceived because the destructive greed has consumed their insides and they are badly in need of knocking it out by spending wealth. They just went after bodily virtues of worship, while they never occupied themselves with the greatest virtue at their disposal, spending their wealth. Their example is like a person, when a snake got in his clothes and he is about to be killed, he became busy asking for some medicine for his pancreas. Who needs such medicine if he is bitten by a snake!

When it was said to Bishr Al Hafi that so and so fasts and prays a lot, he said, "Poor needy soul! Indeed he has left his own role impersonated the role of someone else. This person's role should be offering food to the hungry and spreading money to the needy instead of subjecting himself to hunger and voluntary praying while he amasses this life and now bars the rights of the poor."

No wonder the verse of the Koran tells us that those who amass gold and silver [money], it will become iron on the Day of Judgment that will be used to iron their skin (see verse) If such a person combined expenditure and prayer that is fine, in fact great. But satan tricked them by moving the priority of spending second to prayer and fasting until he eliminated expenditure altogether and turned his prayer and fasting into a cover.

Another group has been overcome by greed such that their soul does not allow them to spend except obligatory zakat. When they do so they pick the worst of their wealth, which they themselves neither want nor like. Then they piggy back. They demand from the poor who serve them and come seeking to satisfy their needs or those they would like to hire in the future for servitude and those with whom they generally have a hidden agenda.

Usually they give it to one person, who is very pious and renowned, in order to get respect, so they might get something in return later. All this is destructive for the intention and causes the action of worship to be annulled. Of course this person is deceived and thinks he is obedient to Allah though he is immoral because he uses the worship of Allah for another end. So he and the people of his like are deceived by wealth.

A contemporary charity payor who are deceived, the rich American Muslims who will pay an organization a check of one amount and ask greater amount receipt for tax deduction and when he gets the deduction he/she keeps it, like a person donate a cow for Allah and asks to receive its calf and milk

[You have to know your role and identity

The Prophet said, "May Allah have mercy on a person who knows the value of himself."

Thus, every Muslim has to know his role, which he is created for. This expertise must be devoted to Allah for example what is your roles if you are rich? You should spend a lot in the name of Allah and so forth.]

Yet another group consists of the common people and the people of wealth and the poor. They are all cheated by attending lectures of admonition and reminders and they believed that this would suffice them. And they took at it as a habit and thought that they are getting a reward just from hearing the admonition without receiving any lesson from it. They are cheated because the value of listening to admonition only occurs when it encourages the person to do good, and if it does not stimulate them then it has no good in it for them.

Stimulation is praiseworthy because it pushes one to do good action, if it does not then the admonishment itself has no good in it. And maybe he is cheated by what he hears of admonition and maybe softens his heart and he cries, or mentions some fearfulness so he becomes sick with fear, so he says, "Oh Salam the Peace, give us peace. We seek refuge with Allah, Allah suffices me, there is no move or power except by Allah." He thinks he has come up with all the goods though he is deceived.

His example is like a sick person who attends an assembly of doctors and hears what they describe of medicine but he does not practice it or occupy himself with

it, though he thinks he feels comfort by attending. Also, his example is like the hungry who goes to lecture of someone describing delicious recipes.

Every admonition and Islamic lecture that does not change at least one attribute in you and furthermore change your behavior, thereby bringing you closer to Allah the Mighty the Glorified, and cause you to forget about this life and come determinedly forward to Allah, will be an increasing argument against you. If you misuse it then you are cheated by deception.

Among the deceived Sufis there are many these days, except those Allah has protected.

First are the people deceived by the style of clothes, the logic of speech, and looks. They try to emulate the sincere people of the Sufi in their appearance, their phrasing, their manners, their meetings, their terminology, their affairs, the style of their dance, purity, prayer, sitting on the carpet, their postures of concentration, contemplation, higher rhythm of breathing, lowering of the voice when speaking, wailing, and so forth.

When they came to learn all these, they thought that these habits alone would save them. So they never struggled, exercised, watched the heart, purified the inside and outside from the apparent and hidden contaminations, and all those practices of the ranks of the Sufi.

Furthermore they are like dogs when it comes to the forbidden and borderline, the wealth of the officials, competition in bread and currency, and love. They envy big and small. They tear at the honor of one another when they differ. These people's delusion is apparent.

Their example is shown in this ancient story: An aged lady hears that all brave heroes and fighters names have been recorded in the royal courts. So she puts on the same clothes they wear and goes to the king for the likes of their reward. There, she is seen as an aged women consumed by evil. It is said to her, "Have you no shame, mocking the king? Put her in the cage with the elephant!" There the elephant gives her a little shove and she dies.

The next group takes it even further than the previous one. Though the fact is that it was too hard on them to follow the methodology of shabby clothes and putting up with minimum food taste, the ways of marriage, and nominal housing, this group still decided to show off in tasawaf and so they had no choice but to wear Sufi clothes. So they chose to find clothes that were of soft as opposed to harsh fabrics, and they have expensive patches and nice towels and elaborate handmade carpets, whose value is far greater than all the other materials. Furthermore they never avoid apparent sin, so what about the hidden ones?

All their aim is luxurious life and consuming the wealth of rulers who trust and respect Sufis. Despite all this, they think themselves good. The harm of these people upon Muslim communities is worse than the harm of thieves because these guys steal hearts with the clothes they wear, and then are followed by others whom they cause spiritual destruction. Also, when people come to know their shameful acts they associate all Sufis and condemn Sufism altogether!

This group claimed that they possess the rank to see the existing unseen, witnessing the truth, reaching many high ranks, they are in connection with heaven, they are present in the divine assembly, and they reach the near station. These people know all this stuff but only in name and so they pick different words and repeat them. And they think that this is the highest of the knowledge of the early generation and those that follow. So if you find one of them, he looks with an eye of disrespect to the jurist, the recitor of Koran, the scholar of Hadith narration, and all other types of scholars, let alone the layman.

Sooner enough you find a farmer, who left his post and the tailor, who left his job joining them for a few days, hearing and repeating these false statement as if they were revelation and speaking of secrets. All the while insulting all the worshippers and knowledgeable! These people talk about the worshipper worshipping only for a wage. As for the scholars, they say about them that they are veiled by the Hadith then they claim to themselves that they have reached the Truth and that they are of the near station.

They are with Allah hypocrites and impostors. With the people of heart they are considered stupid and ignorant. They neither enforce knowledge nor learn good manners, and they do not prioritize knowledge or watch their heart, they just follow desires and receive regurgitated knowledge. Had they occupied themselves with what is beneficial they would have been better off. (*Just like an evangelist liar*)

Another group went a little ahead of this last group. Their deeds are fine, they seek lawful income and food and they are occupied by examining their heart and cleansing it. But, they started claiming certain ranks of asceticism (material disinterest), reliance on Allah and His Prophet, satisfaction with Allah, and love for Him and His Prophet, without examining the reality of these ranks, its conditions, its science, and its contaminations.

Some of them who claim accomplished spiritual status, claim that they love Allah, and that they are befriended by Allah. Indeed they have a falsehood about Allah that is either a bad innovation or clear disbelief! So, they claim to love Allah without knowing Him!? This is absolutely unimaginable!

You will find them not parting from what Allah dislikes; in fact they prefer the caprice of their own souls. They leave some matters because they are shy and

fearful of the people when they make mistakes. But when in seclusion all alone, they are not shy or fearful enough of Allah to cause them to avoid sin.

Do they not understand that this negates the love of Allah and His Prophet?

Some of them incline to satisfaction and reliance on Allah, and then try to cross a desert without provision to realize how good they are in terms of reliance. They do not realize that this is bad innovation - not reported via the companions or the first generation who were certainly more knowledgeable of reliance on Allah!

They understood reliance is not taking chances with their souls, but rather taking provision. They used to take food and water while relying on Allah and not relying on the provision at hand.

These innovators rely on other causes that they trust, and furthermore there is no rank of safety but that it is a deception. Many people have fallen into this. We have mentioned the entry level of contamination in the quarter of Safety from our book, the revitalization of religious sciences (Ihya)

Another group tighten themselves regarding provision. They focus on things being purely, extremely halal, but at the same time they neglect the heart and the limbs from the same characteristics of purity they require in their food. Among them are those who use only halal in food, clothing, housing and dives deep into detail but does not know that Allah is not pleased with a worshipper except with perfection and obedience. So whoever follows some and neglects others is in a state of deception.

One group claims good manners and etiquette, humility and niceness, meaning to serve the Sufis. So they gather a group of people, make them believe the new group are now Sufi and start serving them too. However this is just a net for what quickly comes and goes in this worldly life. They start collecting money with the only aim of aggregating it and earning peoples' respect, though they show only servitude and humility and when doing so say that their aim is to be kind and that their aim is servitude.

All the while, they gather the unlawful and the borderline to spend in their enterprise in order that their followers increase and their servitude grows and thereby so does their fame. Among them are those who take the wealth of Sultans to spend on the Sufis. Some take both the governors money and the harmdoers unlawful money to spend it on the path going to hajj for these make-believe Sufis, claiming that their aim is only righteousness and expenditure.

The real motive beyond all this is showing off and the love of fame. This is due to the fact that they neglected all the orders of Allah and are satisfied to receive unlawful income and spend it. The example of one who spends bad money in the path of pilgrimage is like he who builds a mosque with filthy mud, claiming that the intention is merely to raise a mosque.

The next group is focused on struggling with themselves, upgrading their manners and purifying themselves from all condemnable characteristics, diving deep into detail until they make a science of searching the soul, its bad characteristics and deception. They also took it as their practice. So they are in all their affairs, occupied in avoiding the bad characteristics of the soul by continuously analyzing the delicate details of its condemnation. They say, for example that "Self has a bad attribute. Overlooking this bad attribute is a bad attribute in itself." And they continue on a chain of words as such wasting their time because they became busy with themselves instead of being busy with their Creator.

Their example is like he who during the time of Hajj became occupied with the time and obstacles and did not follow the path of Hajj. All this occupancy will not suffice for his Hajj. So they are in a state of deception.

Another group surpasses the previous one and continues in following landmarks on the path; the doors of knowledge are open to them. When they begin to sniff its knowledge, they marveled about it and became very happy. They were surprised by its uniqueness and their hearts attached to it and they started contemplating it. How come the door opened for them and not for others? This is deception.

The wonders of the path of Allah have no end so whoever stands on sign and gets stuck there his steps are going to be limited and he will be deprived of the final goal. The example of these is like one who came to visit a king, then he saw by the gate a small square with a flower garden the likes of he had never seen before. So he stood looking at it until he missed the appointment with the king and so, became a loser.

Another group they surpass all those before it. They never looked back to all of what was given to them of lights on the path and all manners of grand gifts. They never stopped and looked at them but were steadfast on the path. When they were near the end, they thought they had arrived and stopped and never pressed forward, so they got mixed up.

For Allah the High the Exalted there are 70 barriers of light and darkness and there is no traveler that arrived at any one of these that does not think that he has completely arrived. To this Allah has referenced in Koran concerning Abraham, "so when the darkness came to him he saw a planet..." enter full verses... and this is plenty in this affair.

The first curtain between the worshipper and his Lord is his self. It is a great divine matter, one of the lights Allah created. I mean by this that it is a secret of the heart in which the reality of the Truth targets as it is.

Regarding this Reality, the whole universe and all the images can neither carry it nor encompass it.

There, the light shines greatly and brightly in the heart, where all existence appears as it truly is.

In the beginning of this matter it was covered by mishkah (light tube) which was a curtain for it.

“Allah is the Lighter of the heavens and the earth. The example of His Light is like a tube, in which there is a wick. The wick is in a lamp and the lamp is as a glittering planet kindled from a Blessed Tree, an olive that is neither of the East nor of the” 24:35

So when the light became clear and the beauty of the heart was revealed, after the Light of Allah has shone in it, the person of that heart sometimes observes the marvelous beauty in a way that astonishes him/her. Maybe he expresses himself by saying “I am the Truth.”

If it is not made clear to him what is beyond this state and he just stays there, he will be destroyed.

In the same way, the Christians (Nazarenes) looked at Jesus, son of Mary peace upon them. When they saw the light of Jesus (which was shun in him by Allah), they mistook him.

Just as he who saw a planet in a mirror or in the water and thought it was physically inside the mirror or the water, so he extended his hand, trying to reach it. So as such he is deceived.

The types of deception in the path of the traveler to Allah cannot be counted in numerous volumes and cannot be comprehensively covered unless all the hidden knowledge was explained, and this is not permitted.

However, perhaps it is permissible to reveal it lest a deceived person should fall into it.

My success was by Allah, He suffices me and He is the Best to rely upon. There is no movement nor power except by Allah the High the Great. Indeed Allah praises our master Muhammad, all of his family and all of his companions. Amen.

@*BOOK

SECOND DELUSIONS

3-2. Delusions' Ways and Means by Ibn Qudama (Delusions)

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- 3.6.1 Everlasting life depends on correcting the heart
- 3.6.1 Ridding oneself of delusions

@*Chapter 3.1.0: Those deluded by this world, the forgiveness of Allah

@3.1.1 (Ibn Qudama Maqdisi (dis: 11.0.1) :) There are people misled by this world, saying, "Cash is better than credit, this world is cash while the next world is credit." This is a point of deception, for cash cannot be better than credit unless the amount of each is equal. A person's life, when compared to the Everlasting

life, obviously does not amount to even a thousandth part before he breathes his last, therefore someone who says “cash is better than credit” means “provided the credit is equal to the cash.” And this is the delusion of unbelievers. As for those immersed by sin while their faith in eternal truths remains sound, they share this delusion with unbelievers, by preferring this present life to the Everlasting life, but their lot is easier than the unbelievers' in that their basic faith will keep them from unending punishment.

@3.1.2 Those deluded by the forgiveness of Allah

Other sinners delude themselves by saying, “Allah is generous, we rely on His forgiveness,” while the scholars of Islam tell us that if one longs for something then one pursues it, and if one fears something one shuns it.

Whosoever hopes for forgiveness while persisting in wrongdoing is deluded. One must know that Allah, the Most High with His vast mercy, is terrible in retribution, having decreed that unbelievers shall abide in Hell forever (dis: w-55) even though their unbelief does not hurt Him in the slightest.

He has made some of His worshippers prey to infirmities and trials in this world, though He, Glorious and Exalted, is quite able to eliminate them. Moreover, He has made us fear His punishment. How can we not be afraid? Fear and hope drive and arouse one to action. That which does not spur one to good deeds is deception, as is clear from the fact that the “hope” of most people make them do nothing at all, or prefer disobedience. It is odd that early Muslims both worked and feared, while nowadays, though falling far short, people feel secure and tranquil as though they know more about the generosity of Allah, the Most High than the prophets and the righteous. If it could be attained by wishing, why did the latter tire themselves and weep so much? Does Allah condemn the Jews and Christians (Nazarenes) for anything besides being this way when He says, “Then others succeeded them who inherited the Book and availed themselves of the vanities of this lower world, saying, ‘It will be forgiven us.’” (Koran 7.169).

This delusion resembles that of people who do both good and evil, but more of evil, while imagining their good to be greater. One might see them give a dollar as charity while having wrongfully appropriated many times that amount, or maybe even giving as charity something wrongfully acquired, relying on such a donation. Such is like someone putting a dollar in one scale-pan, a thousand in the other, and hoping the scale will balance. Or another of them who thinks his good acts are more than his evil ones, the reason for which is that he keeps track of the number of good deeds, but does not take himself to task for the bad ones, nor yet considers his sins. For example, he says, “Astaghfir Allah” (may Allah forgive me) and “Subhan Allah” (Exalted is Allah) a hundred times a day, but then spends the rest of his day slandering Muslims and making ugly remarks, seeing the virtue of saying “Subhan Allah” and “Astaghfir Allah,” but not the punishment for slander forbidden speech.

@3.1.3 Delusions generally occur among four kinds of people, Islamic scholars, worshippers, would-be Sufis, and the wealthy.

@*Chapter 3.2.0: The delusions of Islamic scholars

@3.2.1 Those remiss in outward conduct

As for religious Islamic scholars, some master the legal and rational sciences but neglect to examine their outward habits and practices, not keeping their external self from sin or making it faithful in obedience. They are deluded by their learning and feel sure they rate high with Allah. If they were to look with the eye of insight, they would see that the whole point of knowing about religious practice is to apply it.

Without good deeds, it is useless. Allah, the Most High says, “prosperous is he who purified it” (Koran 91.9), not, “he who knows how to purify it is prosperous.” If the devil reminds such a person of the virtues of learned people, let the person, for his part, remember what has reached us about corrupt scholars, such as the saying of Allah, “... is like that of a donkey carrying books” (Koran 62.5).

@3.2.2 Those who neglect their inward faults

Others master Islamic religious learning and its outward performance, but do not examine their hearts to eliminate the blameworthy traits therein such as pride, envy, ostentation, and seeking exaltation or fame. These have made their exterior seemly while neglecting their interior, forgetting the words of the Prophet - may Allah venerate him and give him peace , “Allah does not look at your appearance or property, but only at your hearts and deeds.” Such people apply themselves to deeds but do not apply themselves to hearts, though the heart is the real foundation, since no one is saved, “except he who comes before Allah with a pure heart” (Koran 26.89). They resemble someone who sows grain that sprouts with weeds choking it, but when ordered to weed it, just trims away the weeds, twigs and stems and neglect their roots, which take a stronger hold.

Another segment of scholars know that these inner qualities are condemnable, but out of self satisfaction, feel they are above them, and that they are too good, as far as Allah is concerned, for Him to afflict them with such traits, and that only common people have them and not people at their own level of learning. When symptoms of arrogance or avidness for leadership appear in such people, one of them may say, “This is not arrogance, rather, it is only seeking to exalt Islam, display the nobility of religious learning, and to spite those given to reprehensible innovations. Were I to wear clothes less fine or sit with a lower class of people, the enemies of religion would smirk, and gloat at my humiliation, which amounts to humiliating Islam.” Such a person has forgotten delusion, and that it is satan, the stoned and cursed, who has seduced him with this concept, and that his arrogant or avid characteristic is in distinct opposition to the humility of the Prophet - may Allah venerate him and give him peace - and his companions who were humble in manner, and preferred the way of poverty and lowliness.

Still other scholars have acquired religious knowledge, purified their exterior actions, making them seemly with obedience, and examined their hearts, purifying them from ostentation, envy, pride, and the like, and yet there remain snares of the devil and the tricks of the ego hidden in the recesses of their hearts which they have failed to notice and thus neglected.

You might see one of them spending the night and day in learning various religious sciences, organizing them and polishing up their terminology, such a person thinking his motive is the desire to manifest the religion of Allah, the Most High, while the real motive might be to make a name for himself and enhance his prestige. Perhaps too, his published work is not entirely free of self-praise, whether overtly, by wide, sweeping claims, or covertly, by attacks on others, to show by attacking them that he is better than they are and more knowledgeable. Such kinds of behavior, and those similar, are hidden faults which few discern but the wisest and strongest. Those as weak as we are have little hope of doing so, but at least a person should be aware of his own defects and wish they were corrected. There is hope for someone whose good acts make him happy and wicked ones make him sad, unlike someone who applauds himself and thinks himself the best of men.

@3.2.3 The above are the delusions of those who master important branches of Sacred Knowledge. How then for those who content themselves with studying fields not essential to them, neglecting those that are important?

@3.2.4 Proponents and Opponents of Dogmatic Theology

Among them are those who busy themselves with theological debate against heretical beliefs, and refuting the unorthodox. Scholars engaged in this are of two types, those in the wrong and those in the right, the former advocating something other than the Prophetic practice, the latter advocating the Prophetic practice - both are deluded.

The misguidedness of those in the wrong is obvious since they have left the Koran and Prophetic practice which are Divinely protected. As for those in the right, their delusion is in believing that arguing is the most important activity and greatest spiritual work in the religion of Allah, the Most High. They maintain that one's religion is not complete until one has made lengthy investigations into one's beliefs, and that someone who simply believes in Allah and His Messenger - may Allah venerate him and give him peace - without preparing a case for it is deficient in faith. Because of this mistaken presumption, they spend their lives learning how to dispute, conducting in-depth studies of statements of theological controversies until their spiritual insight eventually goes blind. They do not pause to consider that the early Muslims, whom the Prophet - may Allah venerate him and give him peace - testified were the very best of mankind, and who lived to see many a reprehensible innovation (bid'a) and deviant belief, did not expose

themselves and their religion to quarrels and disputation, or busy themselves therein at the expense of their hearts and works. They did not talk about it at all, except under necessity to refute misguidance. If they saw someone persisting in blameworthy innovation, they had nothing more to do with him, without further debate or argument. The Prophetic quotation (Ahadith) has reached us, "No people went astray after having been guided except that they were afflicted with arguing."

@3.2.5 Sermonizers people call to Allah while they themselves flee from Him Others spend their time in delivering sermons (homilies) to people, the highest class of whom speak about traits of the self and qualities of the heart such as fear, hope, patience, gratitude, reliance on Allah, abstinence, certainty, and sincerity, thinking that by just speaking of them, even if they do not have them, they acquire them. Such people call to Allah while they themselves flee from Him. They are among the most deluded. And some of them turn from the correct way of exhorting others by relating baseless tales, adding words that are neither acceptable to Sacred Law nor to human intelligence, in an attempt to say something novel.

@3.2.6 Learning Prophetic quotations (Ahadiths) to promote one's reputation Others spend their time in listening to Prophetic quotations (Ahadiths), gathering variants and rare chains of transmission or chains remarkable for having come through but a few transmitters of advanced years. The concern of one of them is to go from city to city, seeing shaykhs in order to drop names, saying, "I relate from so-and-so," "I've met so-and-so," or "I know chains of transmission no one else does."

@3.2.7 Arabists Others devote their time to advanced studies in Arabic grammar, lexicography, and poetry, claiming they are the scholars of the Islamic community, dissipating their lives in subtleties of grammar and diction. If they stopped to think, they would realize that someone who wastes his lifetime in the knowledge of the language of the Arabs is like someone who wastes it in knowledge of the language of the Turks. Arabic is only distinguished above the latter in that the Sacred Law has come in it.

As for lexicology, there are only two areas in which it is necessary for one to gain an understanding of rare words: those of the Koran, and those of the Prophetic quotations (Ahadiths). As for grammar, one but needs enough to use the language properly.

@3.2.8 The really fortunate person is he who takes of each thing the amount that is critical to him and then goes on to apply it, putting his effort behind it and purifying if of imperfection. And this is the real aim.

@*Chapter 3.3.0: The delusions of worshippers

@3.3.1 Worshippers are of various types, including those remiss about obligatory acts while engaging in extra devotions and Voluntary works.

@3.3.2 Sometimes they are so worried about using water for purification that it reaches the level of obsessive doubt (waswasa) about the validity of their ablution. You might see one of them unsatisfied with water the Sacred Law deems fit for ablution, imagining remote possibilities that it could be affected with something unclean, while not having such concern for the lawfulness of the source of the food he eats. Were he to reverse these two, applying the care he takes for the water instead to his food, he would be closer to the practice of the early Muslims. `Umar (may Allah be pleased with him) performed ablution from the water jug of a Christian despite the possibility that it might well be unclean, while he used to refrain from many kinds of permissible things for fear of falling into the unlawful.

@3.3.3 Others are so bedeviled by inner misgivings at their initial statement of "Allahu Akbar" in the prayer that they may miss a unit of prayer with the imam. And like them are those with obsessive doubts about the proper pronunciation of the letters of the Fatiha and other spoken elements of the prayer. One of them may take precaution upon precaution in doubling the doubled letters, distinguishing from and so forth, beyond the necessary, until he is finally so concerned about it that he does not think about anything else. He neglects the meaning of the Koran and the lessons he should be taking from it. And this is among the ugliest forms of delusion, for people are not required to pronounce the letters when reciting the Koran with more precision than that with which classical Arabic is normally spoken. Such people are as if delivering a message to a ruler, the messenger fastidiously pronouncing each letter and repeating those he is unsatisfied with, having quite forgotten the purpose of the message and the dignity of the assembly before whom he is delivering it. How richly such a person deserves to be thrown out and taught a lesson.

@3.3.4 A third group is deluded by reciting the Koran, which they rush through, perhaps finishing twice a day, the tongue of one of them being occupied therein while his heart is wandering through the valleys of daydream, not reflecting on its meanings, heeding its exhortations, or obeying its ordinances and prohibitions. Such a person is misled, believing the Koran is only intended for reciting. He is like someone to whom his master has written a letter charging him with certain matters and forbidding him others, while the servant does no bother to understand it or carry it out but simply memorizes it and repeats it, thinking that this is the intention of it, while violating the master's commands and prohibitions.

Others relish the sound of their own voice in reciting the Koran, disregarding its significance. One should examine one's heart as to whether one is enjoying the meter, the sound, or the meaning although it is not blame worthy to enjoy the meter or sound, unless one is unconcerned with the meaning.

@3.3.5 Others are deceived by fasting, and frequently practice it, but do not restrain their tongue from slander and useless words, do not keep their belly from ill-gotten or unlawful food with which to break their fast, nor free their heart from ostentation.

@3.3.6 Others are deluded by going on pilgrimage, departing for it without restoring the rights of people they have wronged (dis: 10.77.3), meeting their financial obligations, asking the permission of their parents, or obtaining lawfully gotten provision. And this may be after having fulfilled the obligatory pilgrimage, while they neglect obligatory acts of worship enroute, are unable to purify their garments and person, and do not refrain from illegal sex or getting into arguments, despite which, they think all is well with them, and are thereby being self-deceived.

@3.3.7 Others command the right and forbid the wrong, while forgetting themselves.

@3.3.8 Others include the imam who leads the group prayer at the mosque, but when someone more pious or knowledgeable is allowed to lead in his stead, it weighs heavily on him. Or the muezzin who calls to the prayer, believing he is doing it for the sake of Allah, but when someone else gives the call in his absence, it annoys him and says, "He has infringed on my position."

@3.3.9 Others avoid material possessions, content with poor clothes and food and with living in mosques, thinking that they have reached the rank of the abstinent (zuhhad), while they are avid for leadership and prestige. In fact, they have given up the lesser of two matters while getting involved in the more deadly.

@3.3.10 Still others enthusiastically perform voluntary acts while not being concerned for that which is obligatory. You may see one of them savoring the midmorning or night vigil prayer, but finding no satisfaction in the prescribed prayer, nor hastening to pray it at the first of its time. Such a person has forgotten the Prophet's words - may Allah venerate him and give him peace - relating that Allah, the Mighty and Majestic said, "Those near to Me do not approach Me with anything like that which I have made obligatory upon them."

@3.3.11 There is no spiritual labor without its dangers, and those who do not know them fall prey to them. Whosoever wishes to learn them should study the dangers of ostentation that exist in acts of worship, from fasting and prayer to all the rest, in the chapters set forth in this book (i.e. Ibn Qudama's source here, Ghazali's Ihya' `ulum aldin).

@*Chapter 3.4.0: The delusions of would-be Sufis

@3.4.1 The deluded among them are of various types. Some are deluded by the dress, terminology, or demeanor of the Sufis. They imitate the sincere Sufis (dis: w-9) externally, but do not tax themselves with spiritual struggle or self-discipline.

Rather, they pounce upon and quarrel over wealth that is unlawful, doubtful, or from rulers (dis: 10.32.3), rending each other's honor whenever they are at cross-purposes. The delusion of these is obvious. They are like an old woman that hears that the names of courageous, valiant soldiers are inscribed in the official roster and they are given whole tracts of land.

Feeling a longing within herself, she puts on a coat of chain mail and helmet, learns a few heroic stanzas and the details of their apparel and characteristics, and then sets out for the camp. Her name is duly entered in the lists, but when she reports for inspection, she is ordered to take off the helmet and armor to see what is underneath, and to be tried in combat. When she complies, it turns out that she is a feeble old woman, and she is told, "You only came to mock the king and his court! Take her away and throw her under the elephant's feet." And she is flung under it to be trampled.

Thus will be the state of pretenders to Sufism on the Day of Judgement, when they stand revealed and are brought before the Supreme Judge, who looks at hearts, not patched clothes or Sufi dress.

@3.4.2 Others claim to have attained to knowledge and contemplative knowledge of the Divine, and to have passed through spiritual stations and states, and to have reached nearness to Allah, while they know nothing of any of this except the words.

You might see one of them reiterating these terms, thinking it above the combined learning of the first and last, and looking with condescension upon the scholars of Sacred Law, Prophetic quotations (Ahadiths), and other disciplines, to say nothing of ordinary Muslims. Sometimes, a common person will keep their company for many days, picking up these artificial phrases and parroting them as if he were speaking Divine revelation, with sneering contempt for scholars and worshipers, saying that they are veiled from Allah while he has attained to the truth, and that he is one of those brought near to Allah, while Allah considers him a debauched hypocrite, and the transformed ones know him to be an ignorant fool who has not acquired sound knowledge, perfected his character, or kept watch over his heart, but merely pursued his own fancy and memorized a lot of gibberish.

@3.4.3 Others roll up and put away the carpet of the Sacred Law, rejecting its rulings and considering the unlawful and the lawful to be equal, saying, "Allah does not need my deeds, so why should I bother?" One of them may say, "Outward devotions have no value, it is only hearts that mean anything. Our hearts are aflame with the love of Allah, the Most High, and we have attained to the knowledge of Him. If we are bodily immersed in this world, yet our hearts are in worshipful seclusion in the presence of the Divine. Outwardly we may give in to our desires, but not in our hearts." They claim to have surpassed the rank of the common people, beyond the need to school the lower self with physical

devotions, and that gratifying bodily lusts does not divert them from the path of Allah, the Most High because of their firmness therein. They exalt themselves above the level of the prophets, peace be upon them, who used to weep for years over a single mistake.

@3.4.4 As no age is without pretenders to Sufism, the following texts will hopefully be useful in letting some principal Sufis describe in their own words the delusions of those who consider themselves "above the Sacred Law."

@3.4.5 Ibn `Ajiba reported that someone said to Junayd, "There is a group claiming they have arrived at state in which legal responsibility no longer applies to them." "They have arrived," he replied, "but to Hell." (Iqaz al-himam fi sharh al-Hikam (y-54), 210).

Ghazali said that when anyone claims that he has reached a state between himself and Allah that relieves him of the necessity to obey the Sacred Law, and that such things as prayer, fasting and so forth are no longer obligatory to him, or that drinking wine and taking other people's money is permissible for him, as do some pretenders to Sufism – namely those claiming they are "above the Sacred Law" (ibahiyyun) – are subject to the ruling applied to apostates. (Hashiya at-Shaykh Ibrahim at-Bajuri (y-5), 2.267).

@3.4.6 Muhyiddin ibn al-Arabi said that when we see someone in this community who claims to be able to guide others to Allah, but is remiss in but one rule of the Sacred Law - even if he manifests miracles that stagger the mind - asserting that his shortcoming is a special dispensation for him, we do not even turn to look at him, for such a person is not a shaykh, nor is he speaking the truth, for no one is entrusted with the secrets of Allah, the Most High except one in whom the ordinances of the Sacred Law are preserved (Jami' karamat al-awliya' (y-95), 1.3).

@3.4.7 Shaykh Ahmad al-`Alawi said that the friend of Allah (wali) is not divinely protected from error, for which reason he is to be feared for and his word is not be relied upon when it exceeds what has been conveyed by the Prophetic practice concerning matters of the Everlasting Life. This is because he is suspended from making any new provisions in the Sacred Law, and in respect to the prophets, peace be upon them, he is not a guide. He is entitled to believe only that which the Lawgiver has informed.

"This day I have perfected your religion for you and completed My favor to you. I have approved Islam to be your religion" (Koran 5.3).

The gnostic in the first of his states is strongly affected by the initial impact, and will sometimes try to take on a discussion of the affairs of the Everlasting Life, as opposed to the final state, in which he may be so at rest that an unknowing

observer might assume its strength has waned, though this is the result of this perfection and firmness in his station.

It has been said that the way begins in madness, proceeds to arts, and ends in quietude. So whenever one's rapture subsides, there is an obligation to return to what the Lawgiver has stated, without personal figurative interpretations. This is why our author says, "Faith is incisive," meaning that one cuts the self short whenever it wants eminence and elevation. The gnostic's spiritual will, exalted above all else, must carry him beyond what we have just mentioned. For he is outside our phenomenal frame of reference and all it contains, and whenever he wants to speak about things relating to the Everlasting life his words are high, unintelligible, and a source of trouble to both those who believe him and those who do not. This is why he is forbidden speech about it, and as much as he increasingly foregoes it, he increases in nearness to Allah and in safety. Sufis call this station subsistence (baqa'). Before a disciple is firmly established therein, it is to be feared that he will be overtaken by misfortune because of his lack of a foothold in the state of subsistence, a juncture that has been called "from annihilation to subsistence, or annihilation to perdition" (al-Minah al-quddusiyya fi sharh al-Murshid al-mu'in bi tariq al Sufiyya (y-8), 67-68).

@3.4.8 `Abd al-Karim Jili said, "My brother, may Allah have mercy on you, I have traveled to the remotest cities and dealt with all types of people, but never has my eye seen, nor ear heard of, nor is there any uglier or farther from the presence of Allah, the Most High than a certain group who pretend they are accomplished Sufis, claiming for themselves a lineal spiritual tradition from the perfected ones and appearing in their guise.

Such Sufi pretenders do not believe in Allah, His Messengers, or the Last Day, and do not comply with the responsibilities of the Sacred Law, depicting the states of the prophets and their messages in a manner that no one with a particle of faith in his heart can accept, let alone someone who has reached the level of those to whom the unseen is disclosed and who have gnostic insight. We have seen a great number of their luminaries in cities in Azerbaijan, Shirwan, Jilan, and Khurasan, may Allah curse them all. (Idah al-maqsud min wahdat al-wujud (Y-98), 17-18).

@3.4.9 The delusions of those who consider themselves "above the Sacred Law" are beyond number, all of it is mistakes and inner suggestions with which the devil has tricked them because of their having taken up the spiritual struggle before they mastered the rules of the Sacred Law, and did not connect themselves with a shaykh of learning and religion worthy of being followed (dis:w-9.9-9).

@3.4.10 Other students of Sufism proceed on the right path, engage in spiritual struggle, begin to actually travel in the way, and the door of knowledge, contemplative knowledge of the Divine, opens to them. But when they sniff the

first traces of this knowledge, it surprises them and they exult in it and are pleased by the strangeness of it, until their hearts become fettered with turning to it and thinking about it, and how it was disclosed to them but not others.

All of this is delusion, for the wonders met with in the path of Allah, the Glorious and Exalted are endless. If one stops with a particular marvel and becomes enamored with it, one's progress falters and one fails to reach the goal. Such a person is like someone going to see a king, who notices a garden at the palace gate with flowers in it, the like of which he has never seen, and who stops to look at them until there is no longer time to meet the king.

@*Chapter 3.5.0: The delusions of the wealthy

@3.5.1 The deluded among the wealthy are of various types. Some eagerly build mosques, schools, hospices, aqueducts, whatever people can see, and write their names upon them to perpetuate their memory and keep it alive after their death. However, if one of them were called upon to spend a single dollar on something that did not have his name on it, it would be a burden for him. If his giving had been to please Allah then the giving of a single dollar would not have been a burden upon him because Allah is looking at him no matter whether he is writing his name or not.

Others spend money, embellishing mosques with ornamentation and bas-reliefs, which are prohibited by Sacred Law and distract people from their prayer. The aim in prayer is humble awe and an attentive heart, and this ornamentation spoils the hearts of those praying. If the money spent on such things has been gained or earned from an unlawful source then the delusion is even greater.

Malik ibn Dinar, may Allah have mercy on him, said, "A man came to a mosque but stopped at its entrance saying, 'Someone like me does not enter a house of Allah' – for this he was raised to the rank of those with perfect faith (siddiq)."

This is an example of how we should revere mosques, seeing the mosques as being defiled by our entering them in our wretched condition. Likewise the defilement of the unlawful embellishment of mosques can be compared to trying to compete with Allah, the Most High. The delusion of someone who does this is in thinking the wrong to be right.

@3.5.2 Others protect their money, holding fast to it with the tight fist of greed, and then occupy themselves with bodily acts of worship that do not cost much, such as fasting, prayer, or reciting the Koran in its entirety. They are deluded, for miserliness is deadly (dis: 10.75.25) and has consumed their heart. Such people need to rid themselves of it by spending of their wealth, but are too busy with Voluntary works to do so. They are like someone who, when a snake has entered his clothes, engages himself in making a syrup of vinegar and honey to reduce his bile.

@3.5.3 There are others whose selfishness will not let them give anything except the obligatory charity. One of them may pay out the worst property he has, or give it to poor people who are of some use to him, vacillating between which of his ulterior motives can best be served. Or, as those for whom he may have a use in the future, or is “good for something” in particular.

Another may deliver his obligatory charity to a prominent public figure so he will consider him to be “someone” and later fulfill his needs.

All of this invalidates the intention, the person who engages in such is deluded by wanting recompense from others for worshipping Allah, the Most High.

@3.5.4 Some wealthy people and others are deluded by frequenting circles of Thikr (remembrance of Allah), thinking that by just attending them will take the place of works and admonition. This is not so, for circles of the remembrance of Allah are only commendable in that they motivate one to do good. Anything that is a means to something else is pointless if it does not achieve it. When one of them hears something that creates fear of Divine punishment, he says nothing more than, “O Protector, keep us safe,” or “I take refuge in Allah,” thinking he has done all that is necessary. He is like a sick person who comes to a group of doctors to hear what is happening. Or a hungry person who visits someone who can describe delicious food to him, and then leaves. It does not do him much good. And likewise with hearing acts of obedience described without applying them.

Every admonition that does not change something within one that affects one's actions is a case against oneself.

@*Chapter 3.6.0: Remedying delusions

@3.6.1 If an objection is raised that I have not mentioned a single action free of delusion, the reply is that the matter of the Everlasting Life hinges upon one thing alone and that is straightening out one's heart.

No one is incapable of doing this except someone whose intention is insincere. If a person were as concerned about the Everlasting Life as this one, he would certainly achieve it. The early Muslims did straightened their hearts, as did those who have followed them in their excellence.

Three things can be used to help rid oneself of delusions:

1. intelligence, the real light by which a person sees things as they are;
2. knowledge, through which a person knows himself, his Lord, his worldly life, and the Everlasting life;
3. and learning, by which we mean, learning how to travel on the highway to Allah, the Most High, the pitfalls therein, and learning what will bring one nearer and guide one, all of which may be found in this book (dis: 3.3.11).

When a person has done all this, he should be wary lest the devil beguiles him and makes him desirous for leadership, or lest he feel secure from the devising of Allah (10.66).

Fear should never be absent from the hearts of the friends (awliya') of Allah. We ask Allah to protect us from delusion and that we may end our lives well. Truly, He is near and answers supplications. (Mukhtasar Minhaj al-qasidin (y-62), 237-50).

@*BOOK 4: HOLDING ONE'S TONGUE BY NAWAWI

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- 4.14.3 Explaining Prophetic quotations (Ahadiths), etc.
- 4.15.0 Asking about the nature of Allah, the Most High
- 4.16.0 Hypocrisy
- 4.16.1 Hypocrisy in belief versus actions
- 4.16.2 Assuaging those from whom one apprehends harm
- 4.17.0 Compromising one's principles
- 4.18.0 Ridicule and sarcasm
- 4.19.0 Joking
- 4.19.2 Excessive joking is blameworthy
- 4.20.0 Picking apart another's words
- 4.20.1 Not criticizing errors when religiously unimportant
- 4.20.2 Giving a positive interpretation to seeming mistakes
- 4.20.3 Reading books above one's capacity to understand
- 4.21.0 Learned disputation
- 4.22.0 Arguing
- 4.23.0 Asking about another's mistakes
- 4.24.0 Searching out a person's faults
- 4.25.0 Displaying satisfaction at a Muslim's troubles
- 4.26.0 Obscenity
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- 4.27.0 Severity in speech and harshness
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- 4.29.0 Rejecting a brother's excuse
- 4.30.0 Driving away the poor, the weak, the orphan, or the beggar
- 4.31.0 Disregarding one's father or mother
- 4.32.0 Circumstances in which conversation is offensive
 - 4.32.1 Interrupting oneself or others
 - 4.32.2 Disrespect to those in authority
 - 4.32.3 Talking about worldly matters in a mosque
 - 4.32.4 Speaking during the Friday sermon
 - 4.32.5 Speaking when the Koran is being recited
 - 4.32.6 Speaking to a member of the opposite sex without need
 - 4.32.7 Speaking when lovemaking or in the lavatory
 - 4.32.8 Speaking after dawn before the prayer
 - 4.32.9 Speaking after the night prayer ('Isha).
- 4.33.0 People to whom it is offensive to greet with Salams
 - 4.33.2 Responding to Salams
 - 4.33.2 Greeting non-Muslims
- 4.34.0 Boasting
- 4.35.0 Revealing one's sins to others
- 4.36.0 Revealing a secret
 - 4.36.2(1) Concealing something unlawful
- 4.37.0 Alienating the members of a person's family
- 4.38.0 Cursing
 - 4.38.2 Cursing the disobedient without identification
- 4.39.0 Begging
 - 4.39.1 Unlawful
 - 4.39.1 Conditions for permissibility
- 4.40.0 Music, song, and dance
 - 4.40.1 Musical instruments
 - 4.40.3 Singing unaccompanied by musical instruments
 - 4.40.3 Poetry
 - 4.40.4 Dancing

@*Chapter 4.0.0: Introduction

@4.0.1 "Al-ATHkar al-muntakhaba minkalam Sayyid al-Abrar" and from "Al-Durar al-mubaha fi al-hazr wa al-ibaha", a reference on the lawful and unlawful by the Hanafi scholar Khalil Nahlawi.

@4.0.2 Grand Shaykh Imam Nawawi said, "Previously I discussed that which Allah, the Most Glorious and Exalted has facilitated in regard to the recommended remembrance (Thikr). In order that the book might fully encompass the rulings on the words and explain their category, which is necessary for every religious person to know, I wish to shed light upon expressions which are either offensive or unlawful." (al-ATHkar (y-102), 450).

@*Chapter 4.1.0: The importance of holding one's tongue

@4.1.1 Grand Shaykh Imam Nawawi said, "Every legally responsible person should refrain from unnecessary speech, and should speak for a clear purpose. In circumstances in which speaking or not speaking are of equal benefit, it is Prophetic practice to remain silent. The reason for this is that most of the time, permissible speech easily leads to that which is unlawful or offensive, and there is no substitute for safety. The Prophet - may Allah praise and venerate him, and grant him peace – said, "Whosoever believes in Allah and the Last Day, let him say what is good or remain silent."

This Prophetic quotation (Ahadith), is an explicit, legal text that indicates a person should not speak unless what he intends to say is good, meaning that the benefit of it is apparent to him. Whenever one doubts that there is a clear advantage to speak, one should not speak.

Imam Shafi'i (may Allah have mercy on him) said, "When one wishes to speak, one must first reflect, and if there is a clear interest to be served by speaking, one speaks, while if one is doubtful one should remain silent until the advantage becomes apparent."

@4.1.2 Prophetic quotations relating to speech

1. "O Messenger of Allah, which Muslims are the best?" He replied, "He from whom Muslims are safe by his tongue and hand."
2. "When a worshipper unthinkingly says something pleasing to Allah, the Most High, He raises him rank. When worshipper unthinkingly says something detested by Allah, the Most High he is plunged into Hell."
3. "The excellence of a person's Islam includes leaving what does not concern him [def: w-54]."
4. "Do not say very much without mentioning Allah (Thikr), because too much speech without mentioning Allah hardens the heart, and the hard-hearted are the farthest of all people from Allah, the Most High."
5. "All the words of a human being count against him and are not for him except commanding what is right and forbidding what is wrong, and mentioning the Name of Allah, the Most High (Thikr)."

@4.1.3 The master Abul Qasim Qushayri (may Allah have mercy of him) said, "Safety lies in remaining silent, and this should be one's basis. Silence at the appropriate time is the mark of men, just as speech at the appropriate time is one of the finest qualities. I heard Abu 'Ali Daqqaq (may Allah be pleased with him) say, 'He who is silent when something should be said is a tongueless villain'"(ibid., 450-55).

@*Chapter 4.2.0: Slander (Ghiba)

@4.2.1 Grand Shaykh Imam Nawawi said, “Slander and talebearing are two of the ugliest and most frequently met with qualities among men. Very few people are safe from them. I begin with them because of the great need to warn people.

@4.2.2 Slander Slander (ghiba) means to mention anything concerning a person that he would dislike, whether it might be about his body, religion, everyday life, self, disposition, property, son, parents, wife, servant, turban, garment, gait, movements, smiling, dissoluteness, frowning, cheerfulness, or anything else connected with him.

‘Mention’ means by word, writing, sign, or indicating him with one's eye, hand, head, and so forth. ‘Body’ refers to saying such things as that someone is blind, lame, bleary-eyed, bald, short, tall, dark, or pale.

‘Religion’ includes such sayings that he is corrupt, a thief, cannot be trusted, is a tyrant, does not care about the prayer, is not mindful to avoid filth, does not honor his parents, does not give the obligatory charity to the designated recipients, or does not avoid slandering others.

‘Everyday life’ includes saying that his manners are poor, he does not care about others, does not think he owes anyone anything, that he talks, eats, or sleeps too much, or sleeps or sits when he should not.

‘Parents’ refers to saying such things as that his father or mother is corrupt, or by saying in a derogatory manner that his father/mother is an Indian, African, a Nabatean, cobbler, draper, carpenter, blacksmith, or a weaver.

‘Disposition’ includes saying that he has bad character, is arrogant, a show-off, overhasty, domineering, incapable, fainthearted, irresponsible, gloomy, dissolute, and so forth.

‘Clothing’ means saying such things like his sleeves are too loose, his garment hangs too low, is dirty, or the like.

Other remarks can be judged by the above examples. The determining factor is mentioning something about a person that he would not like.

@4.2.3 Talebearing As for talebearing (namima), it consists of quoting someone's words to another in a way that worsens the relationship between them.

@4.2.4 Evidence that slander and talebearing are unlawful
The above defines slander and talebearing. The ruling of the consensus (def:7.7) of Muslims is that they are unlawful.

There is much explicit and inter-substantiative evidence that they are unlawful from the Koran, Prophetic practice, and consensus of the Muslim Community.

@4.2.5 Koranic verses regarding slander

Allah, the Most High says:

1. '... Neither spy nor backbite one another' (Koran 49.12).
2. 'Woe to every backbiter, slander' (Koran 104.1)
3. '... the backbiter who goes about slandering,' (Koran 68.11)

@4.2.6 Prophetic quotations on slander

The Prophet - may Allah venerate him and give him peace - said:

1. 'The talebearer will not enter Paradise.'
2. 'Do you know what slander is?' They answered, 'Allah and His messenger know best.' He replied, 'It is to mention something relating to your brother that he would dislike.' Someone asked, 'What if he is as I say?' To this the Prophet replied, 'If he is as you say, you have slandered him, and if not, you have calumniated him.'
3. 'A Muslim is the brother of a fellow Muslim. He neither betrays him, lies to him, nor delays coming to his aid. The reputation of a Muslim, his property and blood is safe from being violated by a fellow Muslim.' Then, pointing to his heart he said, 'Fear of Allah is here, it is sufficiently wicked for someone to belittle his fellow Muslim.'

@4.2.7 Mimicking another's idiosyncrasies

We have mentioned above that slander is saying anything about a person that he would dislike, whether aloud, in writing, by sign, or by gesture. Anything by which one's intent is to convey a Muslim's shortcomings or deficiency to another is slander, and unlawful. It includes such things as walking with a limp, with a stoop, or similar posture. Anything of this sort is unquestionably unlawful.

@4.2.8 Slander in publications

If an author intends to demean a person in a publication and mentions his name saying, 'So-and-so says such and such', it is unlawful. However, if it is to clarify a person's mistake so that others will not follow him, or to expose the weakness of his scholarship so others will not be deceived and accept what he says, it is not slander, rather, it is obligatory advice, and Allah rewards the author for such intent.

It is not slanderous for a writer to say, 'There are those, or a certain group who say such and such, and this is a mistake, erroneous, ignorance, and folly,' and so forth. This is because slander entails mentioning a particular person or a group of specific individuals.

@4.2.9 Slander by allusion and innuendo

Slander is also a derogatory remark made to a person about some who is recognizable without mentioning his name. For example, when it is said, 'A certain person did such and such, someone with pretensions to knowledge, a

certain mufti, a certain person who is regarded as good, someone who claims to be an ascetic, one of those who passed by us today, or one of those we saw.'

This includes the slander of some would-be scholars and worshippers, who make slanderous innuendoes that are as clearly understood as if they were plainly stated and from which the listener understands the person's shortcomings. For example when one of them is asked the question, 'How is so-and-so?' He replies, 'May Allah improve us, or may Allah forgive us, or may Allah improve him, or we ask the forbearance of Allah, or praise be to Allah who has not afflicted us with visiting oppressors, or we seek refuge in Allah from evil, or may Allah forgive us for lack of modesty, or may Allah relent towards us' and so forth.

All of this is slander and therefore unlawful, just as when one says, 'So-and-so is afflicted with the same as we all are,' or 'There is no way he can manage this,' or 'We all do it.'

@4.2.10 Criterion for slander

The preceding are but examples. The criterion for slander is that one either directly or indirectly lets another understand the faults of gives a person.

@4.2.11 Listening to slander

Just as slander is unlawful for the one who says it, it is also unlawful for the person hearing it to listen and accept. It is obligatory whenever one hears some one begin to slander another to tell him to stop if it does not subject oneself to harm. If it does, then one is obligated to condemn it in one's heart and to leave the company if possible.

When the person who hears the slander is able to condemn it in words or change the subject, then he must, if he does not it is a sin. But if the hearer tells the slanderer to be silent while desiring him in his heart to continue, this, as Ghazali notes is hypocrisy that does not lift the sin from him, for one must dislike it in one's heart.

@4.2.12 Slanderous remarks in a gathering

Whenever one is forced to remain at a gathering where there is slander and one is unable to condemn it, or one's condemnation goes unheeded and one cannot leave, it is nevertheless unlawful to listen or pay attention to what is being said. When faced with such circumstances one should engage in the remembrance of Allah (Thikr) with the tongue and heart, or heart alone, or think about something else to distract one from listening to the slander. When one engages in the remembrance of Allah, whatever one hears during these circumstances is not harmful to one's self as long as one does not listen to or heed the conversation. If afterwards, and the people continue in their slander, an opportunity arises to leave the assembly then one must leave. Allah, the Most High says: 'When you see those who plunge (scoffing) into Our verses, withdraw from her talk. If satan causes you to forget, leave the wrongdoing people as soon as you remember.' (Koran 6.68)

@4.2.13 Ibrahim ibn ATham (may Allah be pleased with him) accepted a wedding invitation. Some of the guests mentioned that a certain person who did not attend was 'unpleasant.' Ibrahim said, 'I myself have done this by coming to a place where others are slandered.' He left the party and would not eat for three days.

@4.2.14 Slandering another in one's heart

Entertaining bad thoughts about others (su' al-zann) is just as unlawful as expressing them. Just as it is unlawful to tell another about the failings of a person it is unlawful to speak to oneself of them and think badly of him. Allah, the Most High says,

'Believers, abstain from most suspicion, some suspicion is a sin. Neither spy nor backbite one another, would any of you like to eat the flesh of his dead brother? Surely you would loathe it. Fear Allah, without doubt Allah turns (in His Mercy) and He is the Merciful.' (Koran 49.12).

The Prophet – may Allah venerate him and give him peace - said, 'Beware of suspicions, for they are the most lying of words,'

There are many Prophetic quotations (Ahadiths), which say the same, and they refer to an established conviction or judgement in the heart that another is bad. As for passing thoughts and fancies that do not last, when the person having them does not persist in them, scholars concur that they are excusable, since their occurrence is involuntary and there is no way to avoid them.

The Prophet - may Allah venerate him and give him peace - said, 'Allah overlooks the thoughts of nation that come to mind as long as they are not uttered or acted upon.' Scholars say this refers to passing thoughts that do not linger, whether of slander, disbelief (kufr), or something else.

Whosoever entertains a passing notion of disbelief that is a mere fancy whose occurrence is unintentional and immediately dismissed is not an unbeliever and is not to blame. The reason why such things are excusable is that there is no way to take precaution against them. One can only avoid continuing therein, which is why persistence in them and the established conviction of them in one's heart is unlawful.

Whenever one has a passing slanderous thought, one is obligated to reject it and summon to mind extenuating circumstances which explain away the appearances that seem to imply the bad opinion.

Imam Abu Hamid Ghazali says in his reference "Ihya", 'A bad thought about someone that occurs in one's heart is the prompting of satan, and one should dismiss it, because satan is the most corrupt of the corrupt, and Allah, the Most High says, 'Believers, if an evildoer brings you a piece of news, inquire first, in

case you should unwittingly wrong others and then repent of what you have done.' (Koran 49.6).

It is not permissible to believe satan, and if the appearance of wrongdoing can possibly be interpreted otherwise, it is not lawful to think badly of another. The devil may enter the heart at the slightest impression of others' mistakes, suggesting that one only noticed it because of one's superior intelligence and discernment, and that 'the believer sees with the light of Allah.' Upon examination of this one finds that it amounts to nothing more than repeating satan's deceit and obscurities.

If a reliable witness informs one of something bad about another, one should neither believe it nor disbelieve it, in order to avoid thinking badly of either of them. Whenever one has a bad thought about a fellow Muslim one should increase one's concern and respect for him. This will infuriate satan and thwart him, and he will not suggest the like of it again for fear that one will occupy oneself with prayer for the person.

Imam Ghazali said, 'If one learns of a Muslim's mistake by undeniable proof, one should advise him about it in private and not let satan delude one into slandering him. When admonishing him, one should not gloat over his shortcoming and the fact that he is regarding one's self with respect while you are regarding him with disdain. One's intention should be to help him disengage from the act of disobedience, over which one is as sad as if one had committed it oneself. One should be happier if he desists from it without being admonished than if he desists because of one's admonishment.'

@4.2.15 As we mentioned, it is obligatory for a person who has a passing ill thought of another to dispel it, this being the case when no interest recognized by the Sacred Law contributes one to reflect upon it. In the event that there is such an interest, it is permissible to weigh and consider the individual's deficiency and warn others of it. This is to be done in the same way as when evaluating the reliability of court witnesses or the transmitters of the quotations of the Prophet – may Allah venerate him and give him peace - and in other cases that will be mentioned later in the section on permissible slander.

@4.2.16 Permissible slander

Slander, though unlawful, is sometimes permissible for a lawful purpose, the legitimating factor being that there is some aim countenanced by Sacred Law that is unattainable by other means. This may be for one of six reasons.

@4.2.17 Redressing Grievances

The first is the redress of grievances. Someone who has been wronged may seek redress from the Islamic ruler, judge, or others with the authority or power to help against the person who has wronged one. One may say, 'So-and-so has

wronged me,' 'done such and such to me,' 'took such and such of mine,' and similar remarks.

@4.2.18 Eliminating wrongdoing

The second is seeking aid in righting a wrong or correcting a wrongdoer, such as by saying to someone expected to be able to set things right, 'So-and-so is doing such and such, so warn him not to continue,' and the like. The intention in such a case must be to take measures necessary to eliminate the wrong. If this is not one's purpose, it is unlawful.

@4.2.19 Asking for a legal opinion

The third is asking for a legal opinion, such as by saying to the mufti, 'My father, brother, or so-and so has wronged me by doing such and such. Is this permissible or not?' 'How can I be: rid of him, get what is coming to me, stop the injustice,' and so forth. Or, such as saying, 'My wife does such-and-such to me' or vice versa and the like. This, when necessary, is permissible, however, to be on the safe side it is best to say, 'What do you think of a man whose case is such and such,' or 'A husband (or wife) who does such and such,' and so on, since this accomplishes one's aim without referring to particular people. But it is nevertheless permissible to identify a particular person, as is attested to by the Prophetic quotations (Ahadith) in which Hind said, 'O Messenger of Allah, Abu Sufyan is a miserly man...' and the Prophet - may Allah venerate him and give him peace - did not forbid her.

@4.2.20: Warning Muslims of evil

The fourth reason is to warn Muslims of evil and advise them, which may take several forms, including:

1. Oppose unreliable transmitters of prophetic quotations (Ahadiths) or court witnesses. This is permissible by consensus of all Muslims, even obligatory, because of its need.
2. When a person seeks advice about marrying into a certain family, entering into a partnership with someone, depositing something for safekeeping with him, accepting such a deposit, or some other transaction with him, it is obligatory for one to tell the inquirer what one knows about the other as a matter of advice. If one can accomplish this by merely saying, 'Dealing with him is of no advantage to you,' 'Marrying into the family is not in your interest,' 'Do not do it,' and similar expressions, then one may not elaborate on the individual's shortcomings. But if it cannot be accomplished without explicitly mentioning the individual, one may do so.
3. When anyone notices any student of the Sacred Law studying under one or more teachers who are guilty of reprehensible religious innovations (bid'a, def: w-29.3) such as Wahabi (kharijis), or who are corrupt, and that person who wants to give advice apprehends some harm that will come to the student thereby, he must advise the student and explain the condition of those teachers. It is necessary in such a case that advisor's intention is to give sincere counsel.

Mistakes are sometimes made in this, in which satan dupes both the advisor and the advised

4. When a person entrusted with a position of responsibility does not fulfill his duties, either because of him being unfit for the position, corrupt, inattentive or the like, the matter must be drawn to the attention of his manager. The manager can then remove that person and find a suitable person to replace him. Or, without being deluded, deal with him and urge him to either improve or be replaced.

@4.2.21 Those unconcerned with concealing their disobedience

A fifth reason that permits slander is when the person makes no effort to conceal his corruption or involvement in reprehensible innovation (bid'a). For example, someone that openly drinks wine, confiscates the property of others, gathers taxes that are not approved by Sacred Law, collects money wrongfully, or perpetrates other falsehoods. In such cases it is permissible to speak about that which he is unconcerned to conceal. However, it is unlawful to mention his other faults unless there is a valid reason, such as those already discussed that are permissible.

@4.2.22 Identification

The sixth reason is to identify someone. When a person is known by a nickname such as 'the bleary-eyed,' 'the lame,' 'the deaf,' 'the blind,' 'the cross-eyed,' or similar, it is permissible to refer to him by that name if one's intention is just to identify him. However, it is unlawful to do in order to point out his deficiencies, and if he can be identified by some other means, it is preferable.

@4.2.23 Islamic scholars permit the six preceding reasons for slander. (as-ATHkar(y-102), 455-69).

@*Chapter 4.3.0: Gossip and talebearing (Namima)

@4.3.1 Grand Shaykh Imam Nawawi said, 'Having summarily mentioned that talebearing (namima) is unlawful, together with its evidence and description of its nature, we now want to add a fuller explanation.

Imam Abu Hamid Ghazali says, 'Talebearing is a term that is usually applied only to someone who conveys to a person what another has said about him, for example saying: So-and-so says such and such about you. Talebearing is not limited to that, rather it consists of revealing anything whose disclosure is resented, whether resented by the person who originally said it, the person to whom it is disclosed, or by a third party. It makes no difference whether the disclosure is in word, writing, a sign, nodding, or other; whether it concerns word or deed; or whether it concerns something bad or otherwise. The reality of talebearing lies in divulging a secret, in revealing something confidential whose disclosure is resented.

A person should not speak of anything he notices about people besides that which benefits a Muslim to relate or prevent disobedience. Anyone approached with a story, and is told, 'So-and-so says such and such about you,' must do six things:

1. disbelieve it, for talebearers are corrupt, and their information unacceptable;
2. tell the talebearer to stop, admonish him about it, and condemn the shameful of what he has done;
3. hate him for the sake of Allah, the Most High, for he is detestable in the sight of Allah, and hating for the sake of Allah, the Most High is obligatory;

4. not think badly of the person whom the words are supposedly from, for Allah, the Most High says, 'Such much of surmise' (Koran 49.12);

5. not to let what has been said prompt him to spy or investigate whether it is true, for Allah, the Most High says, Believers, abstain from most suspicion, some suspicion is a sin. Neither spy nor backbite one another would any of you like to eat the flesh of his dead brother? Surely, you would loathe it. Fear Allah, without doubt Allah turns (in mercy) and He is the Merciful. ' (Koran 49.12);

6. and not to do himself what he has forbidden the talebearer to do, by relating it to others.' (Ibid., 471-72)

@*Chapter 4.4.0: Saying, "The people have gone to ruin"

@4.4.1 The Prophet - may Allah venerate him and give him peace - said, 'When a man says: The people have gone to ruin, he is the most ruined of all.'

@4.4.2 Grand Shaykh Imam Nawawi said, 'Khattabi explained that the preceding Prophetic quotation (Ahadith) means that a person who continually finds fault with people and mentions their failings is the most ruined of all. In other words, he becomes worse than they because of the sin he commits in disparaging and attacking them, which may also lead to conceitedness and seeing himself as better than they.

Scholars concur that the condemnation only applies to someone who says the like of this out of contempt for people, considering them inferior and himself superior, despising the way they are because of his ignorance of the Divine wisdom of Allah in their creation. However, if one says it out of sadness at seeing one's own religious failings and those of others, there is no harm in it, just as there is no blame in saying, 'For all I know, every one of the nation of Prophet Muhammad -may Allah venerate him and give him peace - performs the prayer.' This is how Imam Malik explained the Prophetic quotation (Ahadith), and others have followed him therein (Sahih Muslim bi Sharh al-Nawawi(y-93), 16.175-76).

@*Chapter 4.5.0: Informing on another

@4.5.1 The Prophet - may Allah venerate him and give him peace - said, 'Let none of my companions inform me of anything another of them has said, for I wish to come out to you without disquiet in my heart.' (al-ATHkar(y-102), 473)

@*Chapter 4.6.0: Two people whispering so that a third cannot hear

@4.6.1 The Prophet - may Allah venerate him and give him peace – said, 'In the event that there are only three of you, two should not speak confidentially until your number increases, in case the third party becomes saddened.'

@4.6.2 (Nahlawi:) Imam Nawawi, (may Allah have mercy on him) says that this Prophetic quotation (Ahadith) prohibits two individuals from conversing privately when a third is present, and likewise it prohibits three or more people from doing so when a person is left out.

The prohibition indicates its unlawfulness, it being impermissible for a group to converse apart from a single individual unless he gives his permission.

Imam Malik (may Allah have mercy on him) said, 'Our colleagues, and the majority of scholars hold that the prohibition is applicable at all times, no matter whether one is at home or travelling. However, some Hanafi scholars say that such converse is forbidden only while travelling, and not when at home, because when travelling, it may indicate danger.'

@4.6.3 As for when there are four people and two of them speak privately in low tones apart from the other two, scholars agree that there is no harm in this.

@4.6.4 The prohibition of listening to the conversation of people who are averse to one's listening is likewise unlawful, though only when the conversation does not entail harm to the listener, for if it does, one may listen to protect oneself from them (al-Durar-al-mubaha(y-99), 159).

@*Chapter 4.7.0: Giving directions to someone that wants to do wrong

@4.7.1 (Nahlawi:) It is not permissible to give directions and the like to someone intending to commit a sin, because it is helping another to commit disobedience. Allah, the Most High says, '... and do not cooperate in sinfulness and transgression.' (Koran 5.2).

Giving directions to wrongdoers includes:

1. directing police and tyrants when they are going to commit injustice and corruption;
2. teaching questions of Sacred Law to those learning it in bad faith, i.e. who do not want the knowledge to apply it in their lives, rather for some unworthy purpose;

3. teaching rejected positions in Sacred Law, meaning those unacceptable by any of the four schools of jurisprudence (dis:7.7.6)) or are weak (dis:w-12.2), or anything else that informs people of how to commit disobedience to Allah, the Most High:

4. and permitting or authorizing a person to do something that entails disobedience, because acceptance of disobedience is disobedience. (bid., 159-60)

@*Chapter 4.8.0: Lying

@4.8.1 Grand Shaykh Imam Nawawi said, 'There are numerous verses in the Koran and Prophetic practice texts that state lying is unlawful (dis:10.24). Lying is amongst the ugliest sins and most disgusting faults.

Because of the unanimous scholarly consensus of the nation (Umma) that lying is prohibited, and the amount of primary textual evidence, there is little need to cite particular examples, our only concern here being to explain the exceptions to what is considered lying, and apprise the details.

@4.8.2 Permissible Lying

It is reported in the references of Bukhari and Muslim that the Prophet - may Allah venerate him and give him peace - said, 'Whosoever settles disagreements between people to bring about good or says something commendable is not a liar.' In Muslim's reference Umm Kulthum added, 'I did not hear him permit untruth in anything people say, except for three things; war, settling disagreements and a man talking with his wife or she with him.' (That being in and effort to smooth out differences).

This is an explicit statement that lying is sometimes permissible for a given interest, scholars having established criteria defining what types of lies are lawful. The best analysis of it I have seen is by Imam Abu Hamid Ghazali, who says, 'Speaking is a means to achieve objectives. If a praiseworthy aim is attainable through both telling the truth and lying, it is unlawful to accomplish it through lying because there is no need. When it is possible to achieve such an aim by lying but not by telling the truth, it is permissible to lie if attaining the goal is permissible, and obligatory to lie if the goal is obligatory. For example when one conceals the whereabouts of a Muslim from an oppressor who asks where he is, it is obligatory to lie about him his hiding. Or when a person entrusts an article with one for safekeeping and an oppressor, wanting to appropriate it, inquires about it, it is obligatory to lie about its concealment. If one informs the oppressor about the article and he seizes it, then one is financially liable to the owner to cover the article's cost.

It is not unlawful to lie when the aim can only be attained through lying in times of war, settling a disagreement, or gaining the sympathy of a victim that is legally entitled to retaliate so that he foregoes retaliation. However, it is religiously more precautionary (def:8.6.5) in all such cases to use words that give a misleading

impression. This means to intend by one's words something that is literally true so one is not lying (def:4.10.2) in which the outward implication of the words deceives the hearer.

This is true of every expression connected with a legitimating desired end no matter if it is for one's self or another. An example of a legitimating end of one's own is when an oppressor intending to seize one's property inquires about it, in such event one may lie. Or if a ruler asks about a wicked act one has committed that is solely between oneself and Allah, the Most High (in which the rights of another are not affected), this being the case then one is entitled to disclaim it, such as by saying, 'I did not fornicate,' or 'I did not drink.'

There are many well-known Prophetic quotations (Ahadiths) in which those who admitted they deserved punishment were prompted to retract their confessions. An example of a legitimating desired end of another is when one is asked about another's secret and one does not acknowledge it, and so forth.

One should compare the bad consequences entailed by lying to those entailed by telling the truth. If the consequences of telling the truth are more damaging, one is able to lie, though if the reverse is true or if one does not know which entails more damage, then lying is unlawful.

Whenever lying is permissible, if the factor permitting it is the desired end of one's own, it is recommended not to lie, but when the factor that permits it is the desired end of another, it is not lawful to infringe upon his rights. Strictness, not including the above dispensations (rukhsa, def:8.6.2), is to forego lying in every case where it is not legally obligatory.'

@4.8.3 The position of Ahl al-Prophetic practice is that lying means to inform another that something is otherwise than it really is, whether intentionally or out of ignorance. One is not culpable when one is ignorant of it, but only if one lies intentionally, the evidence for which is that the Prophet - may Allah venerate him and give him peace - made intentionality a condition when he said, 'Whosoever lies about me intentionally shall take a place in Hell.' (al-ATHkar (y-102), 510-12)

@*Chapter 4.9.0: Exaggeration

@4.9.1 Grand Shaykh Imam Nawawi said, 'Ghazali says: Among the forms of lying that are unlawful but not serious enough to stigmatize their perpetrator as legally corrupt (dis:9.24.3) is the customary exaggeration of saying, 'I've told you a hundred times,' or 'asked after you hundred times' and so forth, since one does not intend to inform the other how many times it has been, but only to indicate that it has been said many times. In such cases, if the speaker in fact has only asked a couple of times he is lying, though if he has asked on numerous occasions he is not committing a sin by its saying, even if it has not been 'a hundred times.' There are intermediate degrees between these two at which the exaggerator becomes a liar.'

@4.9.2 The proof that exaggeration is sometimes permissible and not considered lying is found in the Prophetic quotation (Ahadith) related by Bukhari and a Muslim that the Prophet - may Allah venerate him and give him peace - said,

'... As for Abul Jahm, his stick never leaves his shoulder, while Mu'awiya does not own a thing.' The understanding of this being that the latter owned the garment he was wearing, whilst the former set his stick aside when he slept and at other times. And Allah alone gives success (ibid.,515-16).

@*Chapter 4.10.0: Giving a misleading impression

@4.10.1 Grand Shaykh Imam Nawawi said, 'Giving a misleading impression is among the most important topics, as it is frequently met with and often abused. It befits us to examine the matter closely, and whosoever learns of it should reflect upon it and apply it. Having previously mentioned that lying is severely prohibited, and the danger that exists in saying something without any particular intention, the following shows a safe alternative to these.

@4.10.2 Giving a misleading impression means, to utter an expression that ostensibly implies one meaning, while intending a different meaning to the expression so that it is contradictory, it is a form of deception. It most commonly takes the form of a speaker intending a specific referent while the hearer understands a more general one. For example, when a person asks a householder, 'Is so-and-so here?' and the householder, intending the space between himself and the inquirer rather than the space inside the house, replies, 'He is not here.'

@4.10.3 Scholars say that there is no harm (10.8.2) in giving a misleading impression if required by an interest countenanced by Sacred Law that is more important than not misleading the person being addressed, or if there is a pressing need which could not otherwise be fulfilled except through lying.

When neither of these is the case, giving a misleading impression is offensive though not unlawful unless used as a means for wrongful gain or suppressing another's right. The above determines its permissibility. As for the Prophetic evidence (Ahadith)), some permit it whereas others do not, it is to be interpreted in the light of the above criteria (al-ATHkar (y-102), 514).

@*Chapter 4.11.0: Verifying one's words before speaking

@4.11.1 Allah, the Most High says:

1. 'Do not follow what you do not know. The hearing, sight and heart, about all these you shall be questioned.' (Koran17.36).
2. 'Whatever phrase he utters an observer is present.' (Koran 50.8).

@4.11.2 The Prophet - may Allah venerate him and give him peace - said, 'It is sufficient enough of a lie - that a man repeats everything he hears' (Ibid., 512-13)

@*Chapter 4.12.0: Speaking of taxes as “The right of a ruler”

@4.12.1 Grand Shaykh Imam Nawawi said: One of the things most sternly prohibited and needed to warn people against is what the common people say about sales tax and the like (dis: 10.32), namely that ‘this is the ruler’s right,’ or ‘you have to pay the ruler’s due, and other references to ‘right,’ ‘obligation,’ and so on. This is one of the most objectionable practices and ugliest of reprehensible innovations. Some scholars even hold that anyone who calls these taxes a ‘right’ thereby becomes an unbeliever.

But in fact, such a person does not become an unbeliever unless he actually considers it ‘right’ while knowing it is unjust. The proper way to mention these is to say ‘the ruler’s tax,’ ‘revenue,’ or similar words. And Allah alone gives success. (ibid., 499-500).

@*Chapter 4.13.0: Conversing about what is useless or immoral

@4.13.1 (Nahlawi:) Conversing about what is useless or immoral means discussing acts of disobedience, such as stories about drinking sessions and fornicators when there is no legitimate purpose connected with the conversation, which is unlawful because it manifests one’s own disobedience or another’s without there being a necessity. Ibn Mas’ud (may Allah be pleased with him) said, ‘The greatest in sins on the Judgement Day will be the one most given to speaking about the useless and immoral.’

@4.13.2 Speaking about that which is of no concern to one’s self

As for speaking about what does not concern one, such as the story of one’s travels, and the mountains, rivers, food, and clothes one saw while on them; when it does not contain lies, slander, ostentation, or other things that are unlawful, is not in itself prohibited. Rather, it may be recommended when prompted by a good intention, such as preventing others from accusing one of being too arrogant or too proud to speak, allaying another’s fears, cheering someone up who is sad or ill, amusing or getting along well with one’s wives, showing kindness to children, or similar motives. When the intentions are such, it is not considered to be what does not concern one.

@4.13.3 It is recommended and praiseworthy to leave anything that does not concern one’s self (254) because one squanders one’s life through its involvement and in amusement. The Prophet - may Allah venerate him and give him peace - said, ‘The excellence of a person’s Islam includes leaving what does not concern him.’ This includes excessive verbiage, meaning, to elaborate upon matters more than is necessary and are of no concern to one, or to ask about things which are of no importance. However, it does not include clarifying the details of difficult legal questions, especially to those of limited understanding, or the need to repeat a warning, reminder, instruction, or the like, since it might be necessary. When it is unnecessary to add details, one should express oneself succinctly and with brevity. The Prophet – may Allah venerate him and give him

peace - said, 'Good tidings to him who avoids excessive speech and spends the excess of his money.'

Imam Ali (may Allah ennoble his face) said, 'The best discourse is expressive, great, brief, and interesting.' (al-Durar al-mubaha (y-99), 135-36)

@*Chapter 4.14.0: Explaining the Koran by personal opinion

@4.14.1 The Prophet - may Allah venerate him and give him peace - said, 'Whosoever speaks of the Book of Allah from his own opinion is in error.'

@4.14.2 (Nahlawi:) The jurist Abul Layth says in his reference Bustan al-'arfin, 'The above prohibition only applies to the allegorical parts of the Koran (dis: w-6), not to all of it, since Allah, the Most High says, 'Those whose hearts are swerving with disbelief, follow the obscure desiring sedition and desiring its interpretation, but no one knows its interpretation except Allah....' (Koran 3.7).

The Koran came as a proof of moral answerability against all mankind and jinn, while if interpreting it were not permissible, it could not be a decisive proof. Since it is decisive, it is permissible for someone acquainted with the dialects of the Arabs and the circumstances under which various verses were revealed to interpret it. As for would-be exegetes who do not know the dimensions of Arabic, the figurative, literal, and the types of metaphor, it is not permissible for them to explain it beyond what they have heard, by way of reporting and not actual interpretation.'

The generality of the prohibition also entails that whosoever does not know which verses abrogate others, and which are abrogated, the points upon which there is scholarly consensus (7.7), and the tenets of faith of Ahl al-Prophetic practice, is not safe from error if he interprets the Koran with nothing beyond the implications of the Arabic. Linguistic familiarity with the language is insufficient, and one must also know what we have just mentioned. When one knows both, one may interpret the Koran, and is not done by opinion (ibid., 58).

@4.14.3 The above is equally true of Prophetic quotations (Ahadith). The Koran and Prophetic quotations (Ahadith) commentaries are of tremendous importance to teachers, speakers, writers, and translators in the preparation of material to be presented to Muslim audiences – a dictionary is not enough.

@*Chapter 4.15.0: Asking about the nature of Allah, the Most High

@4.15.1 The Prophet - may Allah venerate him and give him peace – said, 'People will keep wondering and asking each other until it is said: This is the creation of Allah, but who created Allah?' Whosoever finds anything like this, let him say, 'I believe in Allah and His messengers.' (Ibid., 140)

@*Chapter 4.16.0: Hypocrisy

@4.16.1 (Nahlawi:) Hypocrisy is when a person's outward does not correspond to his inward, or his words to his deeds.

Hypocrisy is of two kinds, hypocrisy in belief and hypocrisy in acts. Hypocrisy in belief is another name for concealed disbelief while outwardly professing Islam. It is the very worst form of disbelief. Allah, the Mighty and Majestic says, 'The hypocrites will be in the lowest place of the Fire, you will not find a helper for them.' (Koran 4.145). Therefore it is understood that the hypocrisy of belief consigns its perpetrator to Hell forever.

As for hypocrisy in act, it is that which does not concern one's faith. It is also termed 'spoken hypocrisy', and consists of saying what contradicts one's true state. It is one of the greatest of sins. It includes being two-faced, like the person who, when two people are at odds, speaks words to each that confirm their respective side, or tells each what the other has said, or endorses the enmity of each, praises each, and promises each to help against the other. This is hypocrisy and more. However, its blameworthiness applies only to worsening relations between people, for if done to settle their differences, it is praiseworthy.

It is seldom that a person who visits leaders and important people is free of spoken hypocrisy. Someone told Ibn 'Umar (may Allah be well pleased with father and son), 'We visit our leaders and speak, but when we leave, we say something else.' He replied, 'In the days of the Messenger of Allah - may Allah venerate him and give him peace - we considered this hypocrisy.'

@4.16.2 As for tareed (parsing between two meanings) those from whom one fears harm (mudara), it is permissible, being done to obviate the damage and evil anticipated from certain people, whether it be a ruler or someone else one has reason to fear (al-Durar al-mubaha (y-99), 116-18)

@4.17.1 (Nahlawi:) Compromising one's principles means religious careless weakness, such as not speaking out when observing acts of disobedience or unlawful things when one is able to change them without suffering harm. Such silence is unlawful. Its opposite is firmness in religion. Allah, the Most High says, '..... striving for the Path of Allah and fearless of anyone's blame.' (Koran 5.54).

And the Prophet - may Allah venerate him and give him peace - said, 'Speak the truth, even if bitter.' However, when one's silence is to prevent damage to oneself or others, it is a permissible form of tareed (parsing between two meanings) those from whom one fears harm (mudara), and is even recommended in some cases when it results in being saved from injustice, or is a means to fulfill a right recognized by Sacred Law (ibid., 112-13).

@*Chapter 4.18.0: Ridicule and sarcasm

@4.18.1 (Nahlawi:) Ridicule entails showing disdain, sarcasm, or contempt for another in a way that causes laughter, whether by mimicking another's words or actions, by a gesture or by allusion. It is unlawful.

Allah, the Most High says:

1. 'As for those who taunt the believers who give charity voluntarily, and scoff at those who give according to their means, Allah will scoff at them. Theirs shall be a painful punishment.' (Koran 9.79).
2. 'Believers, do not let people mock other people who may be better than themselves. Do not let women mock women, who may be better than themselves. Do not find fault in one another, nor abuse one another with nicknames.....' (Koran 49.11).

The Prophet - may Allah venerate him and give him peace – said, "A gate in Paradise will open to one of those who mock people and a cry will be heard, 'Come here, come here,' and he will come forward in concern and anxiety, but when he reaches it, it will close in front of him. And this will happen again and again, until the gate will open and the cry 'Come here, come here' will be heard as before, but he will not approach because he knows it will only close in front of him."

@4.18.2 Ridicule is only unlawful when it hurts others' feelings. As for someone who purposely makes himself a laughingstock, perhaps such a person enjoys it, and jokes about him are considered just humor.

What is unlawful is the sarcasm that offends the person ridiculed, because of the insult and disdain involved, such as by laughing at his way of speaking, what he does, how he looks, or his physique because of a defect therein. To laugh at any of these is to commit ridicule that is unlawful (ibid., 126-27).

@*Chapter 4.19.0: Joking

@4.19.1 (Nahlawi:) The necessary condition for the permissibility of joking is that it does not contain lies or cause fright to a Muslim or a non-Muslim citizen, because this hurts others, and we are forbidden to do so.

@4.19.2 Excessive joking is blameworthy and forbidden, since it eliminates one's dignity and reserve, and creates resentment in certain situations and people. It also causes immoderate laughter, which kills the heart. The Prophet - may Allah venerate him and give him peace - said to his companions, 'Who will take these words and apply them, or knows someone who will?' Abu Hurayra answered, 'I will, O Messenger of Allah,' whereupon the Prophet - may Allah venerate him and give him peace - took his hand and enumerated five things saying:

1. 'Avoid the unlawful and you will be the most religious of people.'
2. 'Be satisfied with what Allah has allotted you and you will be the richest of people.'
3. 'Threat your neighbor well and you will be a believer.'
4. 'Love for others what you love for yourself and you will be a Muslim.'

5. 'Avoid excessive laughter, for too much laughter kills the heart.'
(al-Durar al-mubaha (y-99), 127-28)

@*Chapter 4.20.0: Picking apart another's words

@4.20.1 (Nahlawi:) Picking apart another's words consists of attacking another's speech by revealing the mistakes in it, whether its weak Arabic, meaning, or the intention of the speaker, as when one says, 'This is true, but you do not intend the truth by it.' When such an attack involves no other motive than contempt for the other and displaying one's cleverness. It is unlawful. The Prophet - may Allah venerate him and give him peace – said, 'Whosoever forgoes making a frivolous objection when he is in the wrong will have a home built for him on the edge of Paradise. Whosoever foregoes it when he is in the right will have a home built for him in the middle of Paradise. And whosoever improves his own character, will have a home built for him in the highest part of Paradise.'

When a believer hears something true, it befits him to accept it. If it is not true, but is unconnected with religious matters, he should remain silent, though if connected with religious matters it is obligatory to show that it is false and to condemn it if there is a chance that anyone will believe him, because this is forbidding the wrong.

@4.20.2 Giving a positive interpretation to others' seeming mistakes

Grand Shaykh Imam Nawawi (may Allah, the Most High have mercy on him) mentions, in the section of the introduction of the reference "Sharh al-MuhaThThab" the behavior of the teacher and the student. It also says that it is obligatory for a student to give a positive interpretation to every utterance of his brethren that seems to be wrong until he has exhausted seventy excuses. No one is incapable of this except one who is given little success.

@4.20.3 Reading books above one's capacity to understand

The Shaykh al-Akbar, that is Shaykh Muhyiddin ibn al-'Arabi, may Allah, the Most High bless him, writes in his letter about the spiritual station of annihilation in gnostic vision, 'When a book on a subject of which one has no knowledge falls into one's hand, and one has not studied it under a knowledgeable shaykh, who is a master of the subject, then he should do absolutely nothing with the book and return it to its giver. He should neither believe, disbelieve, nor discuss it at all.' (ibid., 131-32).

@*Chapter 4.21.0: Learned disputation

@4.21.1

(Nahlawi:) Disputation is what relates to clarifying various legal positions and making a case for them.

When the intention behind the disputation is to embarrass one's opponent or display one's superiority, it is unlawful or, even according to some scholars,

unbelief. However, when the disputation is intended to reveal the truth, as is rare, then it is permissible or even recommended. Allah, the Most High says, '... Dispute with them in the best manner.....' (Koran 16.125). Baydawi says that the meaning of this is to disputation in a gentle, friendly manner using the simplest approach and most familiar premises, since this is more effective in cooling the opponents' vehemence and exposes their contentiousness. (ibid., 132)

@*Chapter 4.22.0: Arguing

@4.22.1 Grand Shaykh Imam Nawawi said, 'Disputing is using wordy arguments in order that a person gains his object of wealth or otherwise. It is composed upfront or as a follow up tactic. If you say a person has to dispute in order to obtain his rights, then the right answer is that of Imam Ghazali, when he said, "The certain condemnation of dispute applies only to those who argue with falsehood or without knowledge." Also considered is one who adds abuse to his unnecessary speech that to secure his rights. Or who is motivated to argue by nothing other than an obstinate desire to win or to overcome his opponent.

As for someone who has been wronged and makes his case in a way compatible with the Sacred Law, without belligerence, excessiveness, or being troublesome, and neither intends to be obstinate or abusive, it is not unlawful. However, it is better to avoid it if there is any way to do so, because keeping one's tongue within the limits of fair play during the course of an argument is virtually impossible. Moreover, arguing produces rancor in hearts and causes animosity that can lead to actual hatred between two people, and can reach the stage when each becomes pleased when harm befalls the other and displeased when good befalls the other, and thereafter unleashes his tongue against the other's reputation. Whosoever argues runs the risk of these calamities. At a minimum, an argument preoccupies one's heart, and during the prayer one's thoughts turn to debate and argument.'

@4.22.2 A certain person remarked, 'I have not seen anything that impairs one's religion, diminishes one's respectability, ends one's happiness, or preoccupies one's heart like arguing.' (al AThkar (y-102), 502-3).

@*Chapter 4.23.0: Asking about another's mistakes

@4.23.1 (Nahlawi:) It is forbidden to ask about another's errors and blunders in order to tell them they have made a mistake or to embarrass them, because it entails injury to another and belittling him in front of people. However, when one's asking about mistakes is to learn or teach, or to test or sharpen students' minds or make them reflect, then it is recommended and desirable, because it facilitates the comprehension of religious knowledge (al-Durar al-mubaha (y-99), 140).

@*Chapter 4.24.0: Searching out a person's faults

@4.24.1 (Nahlawi:) Asking about and searching out the faults of others is spying, which Allah, the Most High has forbidden by saying, "Believers, abstain from

most suspicion....” (Koran 49.12), which means looking for the shameful things in Muslims.

The Prophet - may Allah venerate him and give him peace - said:

1. ‘If you search for people’s shameful points, you corrupt them...’
2. ‘O you have entered Islam with your tongues but in whose hearts faith has not entered, do not slander people, and do not seek out people’s shameful points. Whosoever searches out the shameful points of his brother, Allah will search out his own shameful points, and if Allah searches out a person’s shameful points, be sure that He will disgrace him even if he should remain in the middle of his house.’ (Ibid., 145)

@*Chapter 4.25.0: Displaying satisfaction at a fellow Muslim’s troubles

@4.25.1 The Prophet - may Allah venerate him and give him peace - said, ‘Do not show joy at the misfortune of your brother, lest Allah has mercy on him and afflicts you with misfortune.’ (al-ATHkar (y-102), 474)

@*Chapter 4.26.0: Obscenity

- @4.26.1 The Prophet - may Allah venerate him and give him peace – said, 1. ‘A believer is not given to reviling, cursing, obscenity, or vulgarity.’
2. ‘Whatever contains vulgarity is made ugly by it, and whatever contains modesty is beautified by it.’

@4.26.2 Grand Shaykh Imam Nawawi said, ‘Obscenity and vulgarity are forbidden, as is attested to by many well-known and rigorously authenticated (sahih) Prophetic quotations (Ahadiths).’

Obscenity means to express ugly or vulgar matters, in plain words, even if they are true and the speaker is being honest. Instead, one should express such matters by alluding to them in a polite way that nevertheless conveys what is meant, as is found in the Holy Koran and authentic noble Prophetic quotations (Ahadiths).

Allah, the Most High says,

1. ‘Permitted to you, on the night of the Fast, is the approach to your wives....’ (Koran 2.187).
2. ‘How can you take it (the marriage dowry) back when you have reached one another (sexually)’ (Koran 4.21).
3. ‘If you divorce them before you have touched them...’ (Koran 2.237).

There are many Koranic verses and authentic Prophetic quotations (Ahadiths) that employ similar words. Scholars say that comprehensible allusions should be used for these and other matters one is hesitant to mention by name. For example, one alludes to sexual intercourse with one’s wife as ‘reaching one another’, ‘lovemaking’, ‘sleeping with,’ and so forth, and does not use explicit words such as copulate or the like. Similarly allude to urinating and voiding excrement as ‘answering the call of nature,’ or ‘going to the bathroom,’ and does

not simply say 'defecate or urinate,' and so forth. The same is true of mentioning personal blemishes such as leprosy, halitosis, underarm odor, and the like, which one should refer to by polite words that indicate what is meant.

Other matters should be dealt with as in the above mentioned examples, all of which applies to cases in which there is no need to plainly refer to these things by name.

When the need arises to explain or teach, and one fears that the listener may not grasp one's allusion or may misunderstand the meaning, one should plainly say the name so that the correct meaning is understood. And this is how one should interpret the Prophetic quotations (Ahadiths) that have reached us which contain such straightforward expressions, as arising from the needs we have mentioned, because clear communication is more important than decorum. And Allah alone gives success (ibid., (y-102), 508-9).

@*Chapter 4.27.0

@4.27.1 Severity in speech and harshness

(Nahlawi:) Severity in speech and harshness is blameworthy when out of place. Their proper place being in forbidding the wrong, if gentleness and affability prove ineffective (dis: 11.5.5), as well as in imposing prescribed legal penalties, and in reprimanding or disciplining those who require it Allah, the Most High says:

1. '... and be harsh with them' (Koran 9.73).
2. 'Let them find firmness in you' (Koran 9.123).
3. '... let no tenderness for them seize you if you believe in Allah and the Last Day' (Koran 24.2)

@4.27.2 Other than in the above-mentioned cases, it is praiseworthy for one to use amiable words, have a cheerful expression, and to smile. The Prophet - may Allah venerate him and give him peace - said, 'In Paradise there is a dwelling whose outside can be seen from inside.' Abu Malik Ash `ari asked, 'Whose shall it be, O Messenger of Allah?' And he replied, 'He whose speech is fair, who feeds others, and spends the night standing in prayer when people sleep.' (al-Durar al-mubaha (y-99) m 144-45)

@*Chapter 4.28.0: Frightening or coercing a believer

@4.28.1 (Nahlawi:) To make a believer fear other than disobedience or to coerce him to do something against his will, such as giving a gift, marrying, or selling something, - all this is hurtful to him, and hurting a believer is unlawful. The Prophet - may Allah venerate him and give him peace - said, 'On the Day of Judgement it is incumbent upon Allah as a fitting recompense for whosoever has frightened a believer, not to protect him from the terrors of that Day.'

Najm al-Ghazzi says in the book “Husn al-tanabbuh”, ‘Among the works of the devil is frightening, annoying, or alarming a believer, all of which is unlawful’. (ibid., 157-58).

@*Chapter 4.29.0: Rejecting a brother’s excuse

@4.29.1 The Prophet, may Allah venerate him and give him peace - said, ‘When someone offers an excuse to his fellow Muslim and the latter does not accept it, his sin is like the crime of imposing taxes [dis: 10.32].’ (Ibid 157)

@*Chapter 4.30.0: Driving away the poor, the weak, the orphan, or the beggar

@4.30.1 Allah, the Most High says:

1. ‘Do not oppress the orphan, nor drive away the one who asks.’ [dis: 4.39] (Koran 93.9-10).

2. ‘Do not drive away those who call upon their Lord morning and evening, seeking only His Face. Nothing of their account falls upon you, and nothing of your account falls upon them, that you should drive them away and so become one of the harm-doers.’ (Koran 6.52).

3. ‘... and lower your wing unto the believers.’ (Koran 15.88). (al-ATHkar (Y-102), 481-82)

@*Chapter 4.31.0: Disregarding one’s father or mother

@4.31.1 Grand Shaykh Imam Nawawi said, ‘It is very sternly prohibited to putt off one’s father or mother. Allah, the Most High says:

‘Your Lord has ordered you to worship none except Him, and to be good to your parents. If either or both of them attain old age with you, do not say: Fie on you, nor rebuke them, but speak to them with words of respect. And lower to them the wing of humbleness out of mercy and say, ‘My Lord, be merciful to them, as they raised me since I was little.’ (Koran 17.23-24). (Ibid.,509)

@*Chapter 4.32.0: Circumstances in which conversation is offensive

@ In the Hanafi’s books on what is lawful and unlawful, “offensive”, when used without further qualification means unlawfully offensive (makruh tahriman), and its ruling is the same as the unlawful in the Shafi’i school.

@4.32.1 Interrupting oneself or others

(Nahlawi:) It is offensive to interrupt someone teaching Sacred Knowledge. Some scholars hold that to greet a group with ‘As Salamu `alaykum’ when they are learning religious knowledge is a sin.

It is also offensive to interrupt one’s self when reciting the Koran, supplicating, explaining the Koran, teaching the Prophetic quotations (Ahadith), or to address people while doing so, for example, if one turns to someone and asks him to go buy some things needed at home.

Conversation is offensive for anyone listening to a pious exhortation, or instruction, or in the presence of someone above his own level. It is also

offensive for such a person to turn to look at something else, or to stir when there is no need. To do any of this is to be poorly mannered and shows lack of seriousness, unwise haste, and thoughtlessness.

Rather, the one speaking should set forth what he means to say without bringing irrelevant process into his speech until finished, and the person addressed should heed the speaker, paying attention to him and listening until he finishes, without looking around, stirring, or talking; especially if the speaker is explaining the words of Allah, the Most High or His Messenger - may Allah venerate him and give him peace. However, one is excused if a pressing physical or religious need arises that there is no alternative but to fulfill the need, since necessity excuses one from any rule whatever.

@4.32.2 Disrespect to those in authority

It is offensive to go against the words of anyone with authority of the Sacred Law, or talk back, oppose, rebut, or disobey such a person in all things lawful. The prohibition applying to such people as a follower with his leader, a son with his parents, a student with his teacher, a wife with her husband, or an unlearned person with a scholar. All of this is very ugly behavior and deserves disciplinary action (9.17), since each of these is obligated to obey the one over them.

@4.32.3 Talking about worldly matters in a mosque

It is offensive to speak about permissible worldly matters in a mosque when there is no excuse. It is also said, and is a more reliable position, that it is not offensive, however, it is better not to indulge. (khilaf al-awla)

@4.32.4 Speaking during the sermon of the Friday Prayer

It is offensive to speak during the sermon on Friday, no matter whether it be to say 'Subhan Allah,' the blessings on the Prophet - may Allah venerate him and give him peace, or to command the right or forbid what is wrong. The reason for the prohibition being that listening to the Friday prayer sermon is obligatory, as it takes the place of two units of prayer of the noon prayer, therefore things offensive during the prayer are offensive while listening to the sermon. The Prophet - may Allah venerate him and give him peace, said, 'When the imam is giving the sermon on Friday, and you tell your companion to listen, you have made an impertinent remark.'

@4.32.5 Speaking when the Koran is being recited

It is offensive to speak when the Koran is being audibly recited, for listening to it and heeding it are absolutely obligatory no matter whether one is performing the prayer or not, and whether one comprehends it or not. Allah, the Most High says, 'When the Koran is recited, listen to it in silence in order that Allah has mercy upon you.' (Koran 7.204).

@4.32.6 Speaking without need to a member of the opposite sex

It is offensive for a male to speak without need to a young woman who is not a member of his unmarriageable kin (17.6.1). He should not say, 'Arhamkum Allah' (may Allah have mercy on you) if she sneezes, or greet her with, 'As-Salamu `alaykum', (which is unlawful in the Shafi'i school) nor return her Salams (which is offensive for Shafi'is), rather he should say such things to himself. The same applies to young women who are not a member of her unmarriageable kin (17.6.2). The prohibition of these is due to the Prophet - may Allah venerate him and give him peace – saying, 'The adultery of the tongue is speech.'

@4.32.7 Speaking when lovemaking or in the lavatory

It is offensive to speak while lovemaking, or when answering the call of nature.

It is offensive to laugh in circumstances in which speaking is offensive.

@4.32.8 Speaking after dawn before the Dawn Prayer

It is offensive to speak of worldly things between dawn and performing the dawn prayer (subh). Some hold this extends until sunrise (al-Durar al-mubaha (y-99), 145-49).

@4.32.9 Conversation after performing the Night Prayer ('Isha)

Grand Shaykh Imam Nawawi said, 'It is offensive for someone who has prayed the night prayer ('isha) to converse about things permitted at other times.'

Discourse that is unlawful or offensive at other times is even more sternly prohibited or offensive at this time. As for conversation about what is good, such as teaching Sacred Knowledge, relating the words of the pious, describing noble qualities, or speaking to one's guest, none of these is offensive, but rather they are commendable (al-Athkar (y-102), 504).

@*Chapter 4.33.0: People to whom it is offensive to greet with Salams

@4.33.1 (Nahlawi:) It is offensive (4.32.0) to greet with 'as-Salamu `alaykum' anyone who is:

1. performing the prayer, reciting the Koran invoking Allah (Thikr), reading Prophetic quotations (Ahadiths) to others, giving the Friday prayer sermon (khutba), or listening to any of these;
2. a student of jurisprudence repeating a lesson over to himself to facilitate memorizing it, someone informing ordinary people of legal rulings, or anyone engaged in a lesson of Sacred Knowledge;
3. giving the call to prayer or call to commence (iqama);
4. teaching;
5. seated waiting for the prayer, or saying 'Subhan Allah', (Exalted is Allah);
6. eating;
7. a corrupt person who does not conceal his acts of disobedience;
8. a young lady who is not a member of one's unmarriageable kin (dis: 4.32.6);
9. someone who plays games that are not permissible (dis: 16.29.5), slanders others, sings, an aged man who lies, addicted to profitless conversation, reviles

others, or looks at women's faces, all of whom are offensive to greet unless their repentance from these things is known;

10. someone who is enjoying his wife, whose nakedness is exposed, who is relieving himself, drowsy, asleep, or someone who is in a bathroom.

@4.33.2 Responding to greeting (Salams):

It is not obligatory to respond to someone's Salams in circumstances where greeting is uncalled for, except for a corrupt person, whose greeting (Salams) is obligatory to return (to guide him or avoid his harm).

It is not obligatory to answer the Salams of someone who is either a child, intoxicated, or insane. Nawawi (may Allah, the Most High have mercy on him) says in his commentary on Sahih Muslim, 'Scholars disagree about greeting non-Muslims with as-Salamu `alaykum or returning their Salams. We hold that it is unlawful to say it to them first, though is obligatory to return their greetings by saying wa `alaykum (and upon you), or simply, Alaykum. Other scholars hold it is permissible to greet them first with 'as-Salamu `alaykum' (al-Durar al-mubaha (y-99), 150151).

@*Chapter 4.34.0: Boasting

@4.34.1 Allah, the Most High says,

'Do not praise yourself. Allah knows the cautious.'" (Koran 53.32)

@4.34.2 The Prophet - may Allah venerate him and give him peace - said, 'Allah has informed me that you should be humble towards each other in a way that no one transgresses against or exalts himself above another.' (al-ATHkar (y-102), 473-74)

@*Chapter 4.35.0: Revealing one's sins to others

@4.35.1 The Prophet - may Allah venerate him and give him peace – said, 'All of my nation shall be pardoned, except those who blatantly commit sins.'

Blatantly committing includes a man who does something shameful at night, and when morning comes, and after Allah has hidden his act, says, 'So-and-so, last night I did such and such'. His Lord concealed it for him at night, but in the morning he removes the cover with which Allah had concealed his sin for him.'

@4.35.2 Grand Shaykh Imam Nawawi said, 'It is offensive for a person who has been afflicted with an act of disobedience or the like to inform another of it. Instead, one should repent to Allah, the Most High by desisting from it immediately, regretting what one has done, and firmly resolving never to do its like again.

[Darwish added, the above is the spirit of the advice that the Prophet gave to the companion by saying, "Say, 'Allah is my Lord', and be straight", when the companion asked for a simple methodology and advice.]

These three things are the integrals of repentance, which is not valid without them. There is no harm in telling about a sin to one's shaykh or another person who may be expected to teach one how to desist from the act or refrain from similar acts, or appraise one of the causes that led to it, or pray for one, and so forth. If such is the case, informing such people is commendable. It is only offensive to do so when no such interest can be served (ibid., 498).

@*Chapter 4.36.0: Revealing a secret

@4.36.1 The Prophet - may Allah venerate him and give him peace - said, 'When a man says something, then glances right or left, his words are a confidence to be kept.' (Ibid., 507)

@4.36.2 (Nahlawi:) Telling a secret means to inform others of a remark, action, or state which one learns of from someone who wants it to remain hidden, no matter whether it is good or bad. This is hurting him, and hurting others is unlawful.

Whenever people meet, it is obligatory to keep secret any act that occurs, any words spoke, or any state attributable to someone, when these concern something one would normally wish to remain confidential, while not being unlawful. If unlawful, then:

1. If it is against Allah, the Most High alone and does not involve legal measures such as prescribed legal penalties or disciplinary action (9.17), then it must be kept secret.
2. If it involves legal measures, as do fornication (dis: 9.12) and drinking (9.16), then one has a choice between revealing it or not, though it is superior to conceal it.
3. If it involves another person's rights, then if concealing it entails harm to anyone, or if it concerns prescribed legal measures such as retaliation for an injury or death (9.3), or covering the cost of an article destroyed through negligence, then if the person whose rights have been infringed is ignorant of it, there is an obligation to make the matter known, and must testify to it if asked.
5. If it involves another's rights, but concealing it does not entail harm to anyone and it does not concern prescribed legal measures, or it entails one of these two, but the person concerned already knows of it through another, and one has not been asked to testify about it, then one is obligated to conceal the matter. (al-Durar al-mubaha (Y-99), 134)

@*Chapter 4.37.0: Alienating the members of a person's family

@4.37.1 Grand Shaykh Imam Nawawi said, 'It is unlawful for a person to mention anything to another's servant, wife, son, and so forth that could alienate them from him, unless one is commanding the right or forbidding the wrong.'

The Prophet - may Allah venerate him and give him peace - said,
'He who alienates a person's wife or servant from him is not of us.' (al-ATHkar (Y-102), 498)

@*Chapter 4.38.0: Cursing

@4.38.1 The prohibition of cursing others

Grand Shaykh Imam Nawawi said, 'By the unanimous consensus of all Muslims, cursing an upright Muslim is unlawful.'

The Prophet - may Allah venerate him and give him peace - said,
'Cursing a believer is like killing him.'

@4.38.2 The permissibility of cursing those who commit disobedience when they are not personally identified or known

It is permissible, but not rewarded by Allah, to curse those who possess blameworthy characteristics, such as by saying, 'Allah curse oppressors,' 'Allah curse the corrupt,' 'Allah curse makers of images/statues,' and so forth.

Well-known and rigorously authenticated (sahih) Prophetic quotations (Ahadiths) verify that the Prophet - may Allah venerate him and give him peace - said:

1. 'Allah cursed the wig wearer and its implanter.'
 2. 'Allah cursed the consumer of usury.'
 3. 'Cursed are the image/statue formers'
 4. 'Allah cursed whosoever changes the perimeters of land.'
- all of these being found in Bukhari, Muslim, or both.

As for cursing a particular person who commits an act of disobedience, such as an oppressor, adulterer, maker of images/statues, thief, or one who consumes usury, the evidence in the Prophetic Quotations (Ahadiths) suggest it is not unlawful, Al Ghazali indicates that it is unlawful unless the person cursed is someone we know that died in a state of unbelief, such as Abu Lahab, Abu Jahl, Pharaoh, Haman, and their like. This, as Al Ghazali notes, is "because to curse means to distance another from the mercy of Allah, the Most High, while we do not know how a particular corrupt person or non-Muslim will end his life. As for those the Prophet - may Allah venerate him and give him peace - personally cursed, it was because he knew they would die in unbelief.

Praying that evil befalls a person is similar to cursing, even when against a tyrant, such as saying, 'May Allah not heal him', 'May Allah not keep him safe,' and similar remarks, all of which are blameworthy. And likewise for cursing any animals or inanimate objects whatever - all this is objectionable, meaning offensive.' (al-ATHkar (Y-102), 476-80)

@*Chapter 4.39.0: Begging

@4.39.1 (Nahlawi:) Unless there is a necessity it is unlawful to ask for money or other worldly advantage. The Prophet - may Allah venerate him and give him peace - said, 'One of you keeps begging until when he meets Allah, the Most High, there is not a piece of flesh left on his face.' The interpretation of this refers to anyone who asks when it is not permissible.

The degree of necessity that permits begging is when one is unable to earn a living due to illness or weakness and does not have enough food to last one day (al-Durar al-mubaha (y-99), 139).

@*Chapter 4.40.0: Music, song and dance

@4.40.1 Musical instruments

(Ibn Hajar Haytami:) As for the condemnation of musical instruments, flutes, strings, and the like by the Prophet, may Allah venerate him and give him peace, of whom Allah says, 'nor does he speak out of desire, Indeed it is not except a Revelation which is revealed.' (Koran 53.3-4), let those who refuse to obey him beware lest calamity strike them, or a painful punishment. The Prophet - may Allah venerate him and give him peace - said:

1. 'Allah, the Mighty and Majestic sent me as a guidance and mercy to believers and commanded me to do away with musical instruments, flutes, strings, crucifixes, and the affairs of the pre-Islamic period of ignorance.'
 2. 'On the Day of Resurrection, Allah will pour molten lead into the ears of whosoever sits listening to a songstress.'
 3. 'Song causes hypocrisy grow in the heart as water does herbage.'
 4. 'This nation will experience the swallowing up of some people by the earth, transformation of some into animals, and being rained upon with stones.'
- Someone asked, 'When will this be, O Messenger of Allah?' and he said, 'When songstresses and musical instruments appear and wine is held to be lawful.'
5. 'There will be peoples of my nation who will hold fornication, silk, wine, and musical instruments to be lawful....'

All of this is explicit and compelling textual evidence that musical instruments of all types are unlawful (Kaff al-ra`a' `an muharramat al-lahw wa al-sama` (y-49), 2.269-70).'

@4.40.2 Grand Shaykh Imam Nawawi said, 'It is unlawful to use musical instruments such as those which drinkers are known for, like the mandolin, lute, cymbals and flute-or to listen to them. It is permissible to play the tambourine at weddings, circumcisions, and other times, even if it has bells on its sides. However, beating the kuba, a long drum with a narrow middle, is unlawful.' (Mughni al-muhtaj ila ma`rifa ma`ani alfaz al-Minhaj (y-73) m, 4.429-30).

@4.40.3 Singing unaccompanied by musical instruments

(Ibn Hajar Haytami:) As for listening to singing that is not accompanied by instruments, one should know that singing or listening to singing is offensive except under the circumstances mentioned below.

Some scholars hold that singing is Prophetic practice at weddings and the like, and of our Imams, Ghazali and `Izzi ibn `Abd al-Salam say that it is Prophetic practice if it moves one to a noble state of mind that makes one remember the Everlasting life. It is clear from this that all poetry, which encourages good deeds, wisdom, noble qualities, abstinence from worldly things, or similar pious traits, such as urging one to obey Allah, follow the Prophetic practice, or shun disobedience, is Prophetic practice to either write, sing, or listen to, as more than one of our Imams have stated it is obvious, since using a means to do good is itself doing good.' (kaff al-ra`a` `an muhar-ramat al-lahw wa al-sama` (y-49), 2.273).

@4.40.4 Dance

Imam Nawawi said, 'It is not prohibited to dance.' Muhammad Shirbini Khatib commented, 'It is not unlawful to dance because it is only motions made while standing or bowing.' Furani, and others have expressly stated that it is not offensive, but rather it is permissible. In the references of Bukhari and Muslim it is reported in a Prophetic quotation (Ahadith) that the Prophet, may Allah venerate him and give him peace - stood before Lady Ayesha, may Allah be well pleased with her, to screen her from being viewed so that she might observe the Abyssinians sporting and dancing. Languid dancing, like the movements of the effeminate is prohibited." (Mughni al-muhtaj ila ma`rifa ma`ani alfaz al Minhaj (y-73), 4.430).

@*BOOK 5: GABRIEL PROPHETIC QUOTATIONS' WHAT IS ISLAM (AHADITH) @CONTENTS

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@*Chapter 5.1.0: THE PROPHETIC QUOTATIONS (AHADITH) TEXT

@5.1.1 “We were sitting with the Holy Prophet
`Umar ibn Khattab (may Allah be pleased with him) said:
“We were sitting with the Holy Prophet
(sa)
one day, when a unknown inquirer
appeared to us.
His clothes were brilliantly white, his hair
jet black
but there was no sign of traveling upon
him.

He sat down in front of the Prophet (sa)
and their knees touched.
Placing his hands on his thighs he said:
‘Prophet Muhammad (sa)
tell me about Islam.’
The Prophet (as) replied:
‘Islam is that you bear witness
that there is no god except Allah,
and that Muhammad is His Messenger,
and that you establish the prayer,
pay the obligatory charity,
fast the month of Ramadan
and make the Pilgrimage to the House
(the Ka’bah in Mecca)
if you can afford it.’

Then to our surprise the man confirmed
the correctness of the answer
saying: ‘That is correct’.
Then the inquirer said: ‘Tell me about
faith.’
To this the Prophet (sa) replied:
‘It is that you believe in Allah,
His Angels,
His Books,
His Messengers,
the Last Day,
and that you believe in predestination
(that which Allah has decreed).’

Again the inquirer said: ‘That is correct,
now tell me about Perfection.’
The Prophet (sa) replied:
‘It is that you worship Allah
as if you are seeing Him,

and if you do not see Him,
know that He is watching you.'

The inquirer asked again:
'Tell me about the Hour of Judgement.'
The Prophet (sa) replied:
'He who is being asked knows no more
about it than the one who asks.'
So the inquirer asked:
'Tell me about some of the signs of its
approach.'
To this the Prophet (sa) replied:
'The female slave will give birth to her
master,
and the bare-footed, naked,
penniless goat-herders
will live arrogantly in high mansions.'

Then the man departed,
and I remained for a while.
The Prophet (sa) asked me:
'Umar (s), do you know who the inquirer
was?'
I replied: 'Allah and His Messenger (sa)
know best.'
So he told me: 'It was Gabriel
who came to teach you your Religion.'"

@*Chapter 5.2.0: ISLAM

@5.2.1

Islam is to bear witness that there is no god except Allah and that Muhammad is the Messenger of Allah, and to perform the prayer, pay the obligatory charity, fast the month of Ramadan, and perform the pilgrimage to the House if you have the means."

@5.2.2 Grand Shaykh Imam Nawawi said, "The shaykh and Imam Ibn Salah (may Allah have mercy on him) said, "Being a Muslim is outwardly established by one's saying the two witnessing of Faith (Shahadatayn). The Prophet - may Allah venerate him and give him peace - only added the prayer, obligatory charity, the pilgrimage, and the fast of Ramadan because they are the most apparent and greatest of Islamic observances. One's submission (Islam) is perfected through their performance and neglecting them suggests that one has dissolved or imperfect the terms of one's compliance. Moreover, the term faith (iman) encompasses all of the things by which Islam is explained in this Prophetic quotations (Ahadith), and indeed, all acts of obedience, for they are the

fruits of the inner conviction that is the underlying basis of faith, and are what strengthen, complete, and preserve it."

@5.2.3 The position of Muslim orthodoxy is that no Muslim becomes a non-Muslim through sin. Muslims of heretical sectarian groups and those of reprehensible innovations (bid'a) are not therefore non-Muslims (dis: w-47.2).

@5.2.4 Any Muslim who denies something that is necessarily known (14.1.3) to be of the religion of Islam is adjudged a renegade and an unbeliever, unless he is a recent convert or was born and raised in the wilderness or for some similar reason has been unable to properly learn his religion. Muslims in such a condition should be informed about the truth, and if they then continue as before, they are adjudged non-Muslims, as is also the case with any Muslim who believes it permissible to commit adultery, drink wine, kill without right, or do other acts that are known to be unlawful (Sahih Muslim bi sharh al-Nawawi (Y-93), 1.147-50).

@*Chapter 5.3.0: TRUE FAITH (IMAN)

@5.3.1 True faith is to believe in Allah, His angels, His Books, His messengers, the Last Day, and in destiny, its good and evil."

@5.3.2 Belief in Allah. Muhammad Jurdani said, "To believe in Allah means in His existence, His sole Divinity, that no one else participates in His attribute of Divinity or in the rights He has over His creatures), His Oneness and Uniqueness (wahdaniyya), and that He is characterized by every perfection and exalted above any imperfection or impossibility (dis:" 24.1).

@5.3.3 Belief in angels.

To believe in His angels means in beings created from light who are capable of changing form to assume various appearances. "Believe" means to be convinced that they exist, and are honored worshippers who do not disobey what Allah orders them to do, but do whatever they are commanded. Only Allah, the Most High knows how many there are, however, we are told in a Prophetic quotation (Ahadith) that there is not a foot of space in the seven heavens that does not contain an angel either standing in prayer, bowing, or prostrating.

We are obligated to know ten individual angels:

1. Jibril (Gabriel);
2. Mika'il (Michael);
3. Israfil;
4. 'Azra'il;
5. Munkar;
6. Nakir;
7. Ridwan;
8. Malik;

9. and 10, the present observers who are our own scribes that record our deeds, one records our good deeds and the other our bad deeds.

@5.3.4 Belief in the Books of Allah

To believe in His Books means those which He revealed to His Messengers, believe meaning to be convinced that they are the word of Allah, the Most High, and all they contain is the truth. The obligation of belief applies to the original revelations, not the various scriptures in the hands of non-Muslims, which are textually corrupt in their present form.

Scholars differ as to how many Books there are. Some hold they number 104, and some say otherwise. There is an obligation for one to know four particular Books:

1. the Tawrah (Torah), revealed to our master Musa (Moses);
2. the Injil (Evangel), revealed to our master `Isa (Jesus);
3. the Zabur (Psalms), revealed to our master Dawud (David);
4. and the Koran, revealed to our master Muhammad (may Allah bless all the prophets and give them peace).

@5.3.5 Belief in Messengers of Allah

To believe in His messengers means to be convinced that Allah, the Most High sent them to men and jinn (khalq) to guide them both to the path of the truth, and that they have told the truth about everything they have conveyed from Allah, the Most High. It is obligatory to know twenty-five particular messengers:

1. Adam;
2. Idris (Enoch);
3. Nuh (Noah);
4. Hud;
5. Salih;
6. Lut (Lot);
7. Ibrahim (Abraham);
8. Isma'il (Ishmael)
9. Ishaq (Isaac);
10. Ya'qub (Jacob);
11. Yusuf (Joseph);
12. Shu'ayb;
13. Harun (Aaon);
14. Musa (Moses);
15. Dawud (David);
16. Sulayman (Soloman);
17. Ayyub (Job);
18. Thul Kifl (Ezekiel);
19. Yunus (Jonah);
20. Ilyas (Elias);
21. al-Yasa' (Elisha);

22. Zakariyya (Zacharias);
23. Yahya (John);
24. 'Isa (Jesus);
25. and Muhammad (may Allah bless all the prophets and give them peace).

@5.3.6 Belief in the Last Day

To believe in the Last Day means the Day of Resurrection, it is called the "Last" because it is not followed by night. "Believe" means to be convinced that it will come to pass with all it implies, including the resurrection of the dead, the reckoning, the weighing of their good deeds against bad ones, the passing over the high, narrow bridge that spans the Fires of Hell (sirat), and that on account of justice, some will go to Hell, and some to Paradise on account of the generosity of Allah.

@5.3.7 Belief in destiny with its good and evil

To believe in destiny with its good and evil means to be convinced that Allah, the Most High has ordained both good and evil before creating creation, and that all that has been and all that will be only exists through the decree of Allah, His predetermination and will.

Early Muslims used to answer whosoever asked about destiny by saying, 'It is knowing that what hits you was not going to miss, and what misses you was not going to hit.' (al-Jawahir al-lu 'lu'iyya fi sharh al-Arba'in al-Nawawiyya (y-68), 35-37).

@5.3.8 As for Allah's creating acts, we believe that the real doer of everything is Allah. He is the one who burns, not the fire or the person who lighted the fire; He is the one who cuts, not the knife or the person holding the knife. He is the one who drowns a man, not the water or the person who threw him in, and so forth.

Here, people always raise the question that if Allah, the Most High is the real doer, why are people held responsible? The answer is that Allah, the Most High does not hold people responsible for creating the act, but rather for choosing the act. One proof of this is that a person who cannot choose is not held responsible, such as someone asleep, insane, a child, forced, unremembering, or someone who makes an honest mistake. The legal responsibility of such people is lifted because they lack full voluntary choice. Another proof is that Nimrod sinned because he choose to burn Abraham (peace be upon him) even though Abraham did not burn (Koran 21.69); and that Abraham (peace be upon him) became the Friend of the All-merciful for choosing to sacrifice his son out of obedience to Allah, even though his knife did not cut and his son was not sacrificed (Koran 37.105). All of this shows that the worshipper is held responsible for his choice, which scholars of the Divine Oneness (tawhid) term the worshipper's acquisition (kasb).

As for the eternally preexistent knowledge of Allah, we believe that Allah knows everything before, during, and after it is, and He knows how it is when it occurs. But does the worshipper have access to this knowledge? Not at all. So the worshipper chooses to do acts on the basis of a desire within himself, not because he knows the knowledge of Allah, and he is held responsible for his choice even though it corresponds with the eternally preexistent knowledge of Allah.

It is clear from the above that belief in destiny means that Muslims believe Allah has destined and ordained matters in past eternity, and that nothing in existence lies outside of His eternal will, and He is the Creator of everything, while the worshipper is only held responsible for his own choice (MuThakkirai fi al-tawhid (y-113), 41-12).

@*Chapter 5.4.0: THE PERFECTION OF FAITH (IHSAN)

@5.4.1 "The perfection of faith is to worship Allah as if you see Him, and if you do not see Him, He, nevertheless sees you."

@5.4.2 Muhammad Jurdani says, "To worship Allah as if you see Him means to obey Him while being sincere in His worship, humble, lowly, and fearful, as though you behold, Him. And if you do not see Him, He nevertheless sees you means that if you are not as if beholding Him in worship, but oblivious to this contemplation, you should nevertheless persist in the excellence of performance and imagine yourself as being before Allah, the Most High and know that He is looking at your innermost being and outward self, to thereby attain the basis of perfection.

Scholars mention that there are three spiritual stations a worshipper may have in his worship:

1. to worship in a way that fulfills its obligations, by observing all its conditions and integrals;
2. to do this while immersed in the sea of gnostic revealing until it is as if the worshipper actually beholds Allah, the Most High, this being the station of contemplative spiritual witnessing;
3. and to worship as mentioned above, though mainly aware that Allah sees one, this being the station of vigilance (muraqaba).

All three are the perfection of faith (ihsan), but the perfection required for the validity of worship is only the first, while perfection in the latter senses is the mark of the elect, and not possible for many (al-Jawahir al-lu'lu'iyya fi sharh al-Arba'in al-Nawawiyya (y-68), 37-38).

@*BOOK 6: Description of Prophet by Imam Tirmithi

The essence of this work has been extracted from the collection of Prophetic Quotations (Ahadith) by the famous compiler and transmitter Imam Tirmithi

WHAT DID PROPHET MUHAMMAD LOOK LIKE?
WHAT IS HIS GENEALOGY?
WHAT WERE HIS CHARACTERISTICS?
WHAT DID HE WEAR AND WHAT DID HE POSSESS?

PROPHET MUHAMMAD'S GENEALOGY:

His parents were Amina, bint Wahb and Abdullah, son of Abd Al Muttalib,
the son of Hashim,
son of Abd Manaf,
son of Ksay,
son of Kilab,
son of Murrah,
son of Ka'b,
son of Lu'ayy,
son of Ghalib,
son of Fihr,
son of Malik,
son of Nadir,
son of Kinanah,
son of Khuzayma,
son of Ilyas,
son of Mudar,
son of Nizar,
son of Ma'ad,
son of Adnan,
son of Udd,
son of Udad,
son of Al Yasu,
son of Yashub,
son of Hamil,
son of Kaydar,
son of Prophet Ishmael,
son of Prophet Abraham,
son of Azar,
son of Tarikh,
son of Yahur,
son of Ushru,
son of Arghu,
son of Kalun.
son of Faligh,
son of Amir,
son of Shaligh,
son of Arfakhshad,
son of Shem,
son of Prophet Noah,
son of Malik,

son of Mattushalakh,
son of Akhnukh,
son of Yard,
son of Mahla'il,
son of Kinan,
son of Anush,
son of Kinan,
son of Shith,
son of Prophet Adam
Peace be upon all the Prophets

AN INSIGHT INTO HIS NOBLE CHARACTER, NATURE AND PHYSICAL FEATURES:

No written description of our beloved Prophet, praise and peace be upon him, can ever do justice to his exceptional beauty. Lady Ayesha, the wife of the Prophet, may Allah be pleased with her, described him as being more handsome than Prophet Joseph for whom the wives of Pharaoh's ministers slit their hands on account of his handsome appearance. She said: "If the friends of Zulayka had seen the blessed face of the Messenger of Allah, praise and peace be upon him, they would have cut their hearts instead of their hands!"

A portion of Prophet Muhammad's inner beauty manifested itself externally and illuminated his very being. Kurtubi, a great scholar of Islam, said that if his entire beauty had been made manifest, it would have been impossible for anyone to look at him.

SELF DESCRIPTION:

The Prophet, praise and peace be upon him, said: "The prophets were shown to me. I saw Moses, peace be upon him, he had a slender body, like a man from the tribe of Shanuah. I saw Jesus, peace be upon him, from all those I have seen, he resembles Urwah, the son of Masood. I saw Abraham, peace be upon him, and from all those I have seen I most resemble him.. "

HIS FACE:

His complexion has been described as being somewhat delicately wheaten in color or whitish with reddish tones. His face was luminous, almost round, but not round, and frequently compared to the beauty of the full moon when it reached its zenith.

He had a broad forehead and his eyebrows were separate and thick with densely fine hair. When the Prophet, praise and peace be upon him, became displeased a vein between his eyebrows became enlarged. His eyes were jet-black and his eyelashes long, mascared with kohl made from ithmid that he applied thrice to each eye before sleeping. Our Prophet, praise and peace be upon him, tells us

that: "... kohl made from ithmid used on the eye brightens the eyesight. Also, it strengthens and increases the growth of the eye lashes." His companions said that even when he did not use kohl, his eyes looked as if he had.

His nose was prominently distinguished. His cheeks were smooth and well covered whilst his proportionally perfect mouth was neither large nor yet small. His teeth were bright, slim and evenly spaced, however, the space between his front teeth was slightly larger. As for the thickness of his beard, it was dense.

His hair was slightly wavy, sometimes it was cut short and at other times he wore it nearly shoulder length. When his hair had the tendency to part itself in the middle he wore it that way, otherwise he did not dress it in that fashion. His habit was to use oil on his hair and in order not to soil his turban he would place a piece of cloth between it and his hair. When he went on pilgrimage to Mecca, he would shave his hair.

The Prophet, praise and peace be upon him, would dress his hair and his beard using his right hand. It was not his practice to dress his hair every day, in fact, he prohibited it, unless there was a valid reason, and would dress his hair every third day.¹

1. These chapters mention the Day of Judgement, the blowing of the trumpet, hell, and its punishment. The Prophet, praise and peace be upon him, said: "If you knew what I know, you would laugh but a little and cry a lot. You would even stop going to your wives."

In later life, the Prophet had several silver hairs on his temples. It has been reported that they ranged between fourteen and twenty. The accuracy of these reports is equally valid as they came over a period of time. One day, when Abu Bakr first noticed the silver hairs, he said: "O Messenger of Allah, you have become old," whereupon the Prophet, praise and peace be upon him, said: "The recitation of the chapters Hud, Waki'ah, Mursalat, 'Amma and Kukkirah have made me old."²

2. The scholars of Islam teach that this means it is prohibited at such times when there is no need to dress one's hair. If it needs to be dressed, there is no harm in it

It was the practice of elderly men to dye their hair before they went off to fight to disguise their age. According to the Shafi and Hanafi schools of jurisprudence, the Prophet, praise and peace be upon him, either forbade or disapproved the use of a completely black dye except in war but permitted the use of henna, which is a reddish dye, and approved its mixing with katm, which is a black dye extracted from a certain grass. However, the katm must be used in a lessor quantity in order that the hair does not become totally black, rather, a darker tone of red.

Scholars are uncertain whether or not the Prophet dyed his hair. Some say that he did so occasionally but not regularly. The reason given for their doubt as to whether or not he used a dye is that very often before dark hair changes color it turns reddish, therefore the reddish hair mentioned in several Prophetic Quotations (Ahadith) could have been natural, and not a dye.

HIS NECK, SHOULDERS, SEAL AND TORSO:

The Prophet, praise and peace be upon him, had well-covered broad shoulders and between them lay the Seal of his prophethood. The seal was a piece of raised flesh approximately the size of a pigeon's egg surrounded by hair.

Between his broad chest and navel grew a fine line of hair, as for his bones they were large and well proportioned. He was a man of medium stature, neither thin nor fat.

HIS FEET:

The soles of his feet were fully fleshed whereas his heels were slim.

HIS MANNER OF WALKING:

The Prophet's walk is described in the Prophetic quotations (Ahadith)s as being "Yatakaffao". The scholars of Islam interpret this word in three ways. There are those who are of the opinion that it means he walked at a fast pace, whilst others say it means he leaned forward a little as he walked; and the third opinion is that he lifted his leg forcefully. We also learn from the Prophetic Quotations (Ahadith)s that he walked quickly and took long strides rather than short ones. We do know that he never walked haughtily with his chest puffed out with pride, nor did he scuff his feet as he walked.

When walking with his companions he always asked them to walk in front of him on account of his modesty. When he was on a journey he rode at the back so that he could be with the weak or bereaved.

Whenever he met someone, he was always the first person to greet with peace.

HIS MANNER OF LOOKING:

One Prophetic Quotations (Ahadith) informs us that it was his custom to always look down towards the ground, and another says that he gazed up towards the sky. The Prophetic Quotations (Ahadiths) do not contradict one another as the Prophet, praise and peace be upon him, in day-to-day affairs, modestly looked towards the ground whereas when he awaited a Revelation he would look towards to sky. He never stared at anything.

HIS HEIGHT:

It has been reported that he was a little taller than the average man, however, when he was amongst tall people his height was miraculously altered so that he became taller than those in his company.

HIS AGE:

There are authentic Prophetic Quotations (Ahadiths) that differ concerning his age. However, the scholars of Islam are of the opinion that this difference arose on account of some companions not counting the year he was born and the year he died. The consensus is that he was sixty-three years old when he was laid to rest.

HIS BATHING:

None of the wives of the Prophet, praise and peace be upon him and his family, saw his private parts, neither did he see theirs.

HIS MANNER OF COMMUNICATION:

When the Prophet, praise and peace be upon him, spoke to anyone, he would not just turn his face in order to converse, rather, he would either turn his whole body towards that person, or turn his face and torso in order to speak to the person directly; he was not proud man. It was not his practice to glance to the side when he spoke with anyone. His speech was deliberate and clear so that those sitting in his blessed company would remember what he said. When he wished to stress a point, he would repeat it three times.

It was not his custom to indulge in frivolous talk.

HIS STORY TELLING:

The Prophet, praise and peace be upon him, would often tell his wives stories and each story contained a guiding moral.

HIS MANNER OF LEANING:

It has been reported that the Prophet, praise and peace be upon him, would lean against a pillow placed on his left side, however, he never leaned against anything whilst eating.

During his last illness, Fadl entered his room and found him wearing a yellow band around his forehead. After they had exchanged greetings he asked Fadl to tighten the band around his noble head, which he did. Then, he sat up and stood up supporting himself on Fadl's shoulder and entered the Mosque.

When the Messenger of Allah, praise and peace be upon, was ill he would rest his head against one of his wives or companions. When he passed away, his head was leaning upon Lady Ayesha, may Allah be pleased with her.

HIS MANNER OF EATING AND DRINKING:

He ate with his right hand and would lick his fingers clean. Sometimes he used three fingers, at others five.

He never ate food from a table, nor a small plate, nor did he eat pita type bread. He ate from a leather cloth and did not cut his meat with a knife, rather, he would bite off a piece and chew it.

The Messenger of Allah, praise and peace be upon him, drank from a large wooden cup with a metal lining. He also drank from a water-skin with a cleaned spout.

When the Prophet, praise and peace be upon him, drank from the water of Zamzam, he stood. However, on most occasions he sat. He advocated drinking in smallish sips rather than gulping down all at once. This blessed advice not to drink in one gulp is now proven to be detrimental to the liver and stomach.

HIS BREAD AND FOOD:

His bread was made from stone ground barley flour, which has a coarse texture. A sieve was never used to refine the flour therefore large particles of grain often remained which were extracted. As for the quantity of bread, there was never sufficient bread in his household with which to fill his stomach.

Many a night he and his family would go to bed without having eaten because there was no food. It was the custom of the Holy Family to give away their food to those in need, seeking a reward from Allah, the Most High.

He advocated the use of olive oil not only for cooking but for massage. He also used vinegar and would eat the meat of fowl. He ate honey, the meat of goat and lamb with a preference for the meat of a shoulder of lamb.

Amongst the other things he ate were dates. One day the Prophet, praise and peace be upon him, found some dates that had fallen on the ground. He told his companions he would have eaten them if he could have been sure they were not originally intended to be given in charity, for it is forbidden that he or his family should eat from charity. He also ate cucumber and water-melon with dates. Dates were also soaked in water to provide a sweet drink, however, they were never left long enough to ferment.

The Prophet, praise and peace be upon him, would drink water and milk. Lady Ayesha, may Allah be pleased with her, said that he liked a drink that was cold and sweet. When he was given milk he would supplicate saying: "O Allah, grant us blessing in it and increase it for us." He also told his companions that there is nothing that serves both as food and water other than milk.

It was the custom of the Prophet, praise and peace be upon him, to feed his companions before he, himself ate.

HIS MANNER BEFORE AND AFTER EATING:

The Prophet, praise and peace be upon him, always said: "Bismillah" before he partook of his food. One day as he and his companions were eating a hungry man joined them and forgot to say Bismillah, as he was about to take the last bite he remembered and said: "Bismillah in its beginning at end", whereupon the Prophet, praise and peace be upon him, informed that until that point satan, the stoned and cursed, had been eating with him, but when he heard him say this he vomited all that he had eaten.

One day Omar, Abi Salamah's son entered while food was being served. The Prophet, praise and peace be upon him, invited him to sit down and told him: "O my son, come near and recite Bismillah and eat with your right hand from the portion which is in front of you." He also told his companions to use their right hand alone to eat and drink with as satan eats and drinks with his left hand.

After he finished eating he would thank Allah saying: "Praise be to Allah who fed us, and given us drink, and made us Muslims."

HIS SLEEPING:

Each night before he slept, the Prophet, praise and peace be upon him, would lay down on his right side and supplicate: "O Allah, in Your Name I live and die." When he awoke he would supplicate: "Praise be to Allah, who restored to us life, having caused us to die and to Him shall be the Resurrection."

Lady Ayesha, may Allah be pleased with her, reported that before he slept he would cup his hands together, blow on them then recite the chapters Al Ikhlas, Al Falak, and An Nas then wipe his hands over the parts of his body he could reach, this he did three times starting with the head, then his face, followed by the front part of his body.

HIS WORSHIP:

Everything our beloved Prophet, praise and peace be upon him, did was an act of worship, and the following are but a few of the numerous examples.

Although he was absolutely sinless and promised the highest rank in Paradise, a rank in which no other prophet has attained, it did not prevent him from offering a magnitude of voluntary prayers, which is an indication of our own need to increase and maintain the number of voluntary prayers we offer. The importance for us to offer voluntary prayer was often stressed by the Prophet, praise and peace be upon him.

Our beloved Prophet, praise and peace be upon him, would offer such long prayers that his legs became swollen. One of his Companions asked him why he offered such lengthy prayers when Allah had forgiven him all his sins. The Prophet replied: "Should I not be a grateful worshipper?"

It was his practice to sleep after the Isha prayer for the first portion of the night, then awake to offer his voluntary prayers until the time one would take breakfast before fasting. At that time he would offer the last prayer of the night, which is the Witr prayer. Then, he would return to his apartment and sleep until the call for the Dawn prayer was made, when he would make either the major or minor ablution in readiness for the prayer.

The voluntary night prayers of the Prophet would commence with two short units of prayer followed by very long units of prayer that varied in number. Sometimes he would offer ten units of prayer followed by the Witr making a total of thirteen -- this number was never exceeded -- then other times he would offer eight units of prayer followed by the Witr prayer. Whenever he was unable to offer his prayer during the night, Lady Ayesha, may Allah be pleased with her, said that he would offer twelve units of prayer before mid-day. She also commented that he offered his prayers in the most perfect manner. There was a time when she asked him: "O Messenger of Allah, praise and peace be upon him, do you sleep before you offer Witr?" He replied: "O Ayesha, my eyes sleep, but my heart remains awake." This blessed state is a special gift bestowed upon the prophets.

During Ramadan he would offer many of the Taraweeh prayers in the Mosque, and told his companions that those who stand with sincere faith and hope in prayer during the Night of Al Kadr will have their sins forgiven. When he did not offer his Taraweeh prayer with the congregation he would offer them at home.

When he was ill, the Prophet, praise and peace be upon him, would offer his prayer sitting down until between thirty and forty verses remained when he would stand and recite them, then he would bow and prostrate, he did the same in the second unit of prayer.

Omar reports him as having offered two units of prayer before and after the mid-day prayer, and two units of prayer after the evening prayer and two units of prayer after the night prayer with the Prophet, praise and peace be upon him.

HIS FAST:

Other than the obligatory fast of Ramadan, the Prophet, praise and peace be upon him, observed voluntary fasts. Lady Ayesha, may Allah be pleased with her, said that after the migration to Medina the Prophet, praise and peace be upon him, did not fast an entire month except for the month of Ramadan. She also says in another Prophetic quotation (Ahadith) that he would fast most of the month of Shaban.

We are also told that he would fast some days of a month and none at all in another. Of the days he is known to have fasted Monday and Thursday received his special attention. Lady Ayesha, may Allah be pleased with her, reported the Prophet, praise and peace be upon him, saying: "I was born on a Monday, and the sending down of the Koran commenced on a Monday." Abu Hurayrah, may

Allah have mercy on him, said: "Deeds are presented (to Allah, the Most High) on Mondays and Thursday. I desire that my deeds be presented whilst I am fasting."

Lady Ayesha, may Allah be pleased with her, said: "Some months he would fast on Saturdays, Sundays and Mondays, whereas in other months he would fast on Tuesdays, Wednesdays and Thursdays." She also said that he did not fast on specific days, but whenever suitable. Abdullah the son of Masood reported that he seldom fasted on a Friday.

He would also fast on the 13th, 14th and 15th day of the Islamic month, also on the tenth of Muharram and the 10th of Thul Hijjah. After the Prophet's migration he observed some Jews observing the fast on the tenth of Muharram, which is the fast of Ashura. He asked them why they were fasting and was told that it was the day on which Allah, the Most High, saved Prophet Moses, peace be upon him, from Pharaoh, and that it was also the day on which Allah, the Most High, drowned Pharaoh. They told the Prophet, praise and peace be upon him, that Prophet Moses, peace be upon him, would fast that day out of gratitude and happiness whereupon our beloved Prophet, praise and peace be upon him, said: "We are more entitled than you to follow Moses, peace be upon him." Thereafter the Prophet, praise and peace be upon him, ordered his followers to fast on that day. This fast was obligatory until the command came to fast the month of Ramadan, thereafter the Prophet said it was voluntary. To distance the Islamic fast of Ashura from that of the Jews, the Prophet, praise and peace be upon him, would fast either the day before Ashura or the day after.

HIS RECITATION OF THE HOLY KORAN:

Lady Umm Salamah, may Allah be pleased with her, said: "He recited every word separately and distinctly." She also said: "He recited: 'Praise be to Allah, Lord of the worlds' and paused, then recited, 'the Merciful, the Most Merciful and paused. He paused again after 'Owner of the Day of Recompense.'"

When Lady Ayesha, may Allah be pleased with her, was asked whether the Prophet, praise and peace be upon him recited softly or audibly, she replied that he recited both ways. One day Umm Hani who lived in Mecca, said she heard the recitation of the Prophet, praise and peace be upon him, from the roof-top of her house. Scholars say this was due to the stillness of the night the voice travels further.

When he opened Mecca, he rode his camel, Kaswa, reciting the following verses repeatedly: 'Indeed We have opened for you a clear opening, that Allah forgives your past and future sin, and completes His Favor to you, and guides you on a Straight Path.' Chapter 48 verses 1 - 2. Muawiyah, the son of Korrah, who was one of the narrators of this Prophetic Quotation (Ahadith) said that if he had not feared that people would surround him, he would have recited it in the same tone.

The companion, Katadah, said that Allah gave every one of His prophets a beautiful feature and a beautiful voice, and that our Prophet, praise and peace be upon him, had both beautiful features and voice, but he did not recite in a melodious tone as is the custom of singers.

HIS WEEPING:

As previously explained, everything our beloved Prophet, praise and peace be upon him, did was out of humility, sincerity and love of Allah as well as seeking mercy for us. His crying was the same.

One day Abdullah, the son of Masood, was asked by the Prophet, praise and peace be upon him, to recite some of the Koran to him, whereupon Abdullah asked: "O Messenger of Allah, praise and peace be upon him, should I recite it to you when it has been sent down to you?" The Prophet, praise and peace be upon him, said: "I love to hear it from another person." So Abdullah started to recite the chapter "Nisa" When he reached the verse 41 'How then shall it be when We bring forward from every nation a witness, and bring you to witness against those!' tears flowed from both the Prophet's eyes.

Upon the death of one of the Prophet's daughters, Barakah, the longtime maid of the Prophet who was with him when his mother died, started to weep loudly. The Prophet, praise and peace be upon him, drew her attention to it, for uncontrolled weeping is forbidden. Whereupon she said: "Do I not see you crying?" he replied: "This crying is not prohibited, it is a mercy from Allah." Then he said: "A Muslim is at peace at all times, even when his soul is being taken away, he is busy uttering the praise of Allah."

A TASTE OF HIS HUMILITY AND BLESSED CHARACTER:

Allah, Himself testifies to the magnitude of the Prophet's character in the chapter "The Pen" verse 4 'Indeed, you are upon a mighty morality.'

Although our beloved Prophet, praise and peace be upon him, was chosen by Allah, the Most High, to be the His greatest prophet he remained a very humble person. He never disdained to visit the sick, attend funerals, ride a donkey, nor did he look down upon using a rein woven from palm fiber or sitting upon a saddle of palm leaves at the Battle of Krayzah. He would accept invitations, even the invitation of those we called slaves, such was his manner that he would never refer to them as "slaves" but rather as being "youths" and so placate their heart.

He never hesitated to accept the invitation of the poor; even when they served bread and old fat he neither refused nor offended them.

Unlike emperors, kings and leaders, our beloved Prophet disliked it if any one stood up when he entered.

When he entered his house he would divide his time into three portions, one portion for Allah, another for his family, and the other for himself, yet from his own portion he would give half of his time to his close companions who would visit him and ask questions, convey messages or requests from others. He taught his close companions things that were beneficial for his entire nation and told them to convey whatsoever he taught them, and encouraged them to ask on behalf of those less able to present their question, and never withheld a reply. He told his companions that whosoever informs a king of the need of another unable to express his need, Allah, the Most High, will keep that person steadfast on the Day of Judgement. He never wasted time listening to gossip, but as a matter of etiquette he would join in the conversation of his companions, no matter if they were speaking about religious or worldly affairs.

Lady Ayesha, may Allah be pleased with her, said that he never hit anyone except in Jihad. Neither did he hit women.

He respected and honored those who were respected and honored in their nation. He warned them of the punishment of Allah, mediated between people, praised and encouraged good deeds. He explained the harmful effects of bad things, removed and prevented them.

He followed the middle course in all matters and never neglected to guide his followers. He was always truthful, and when he spoke to anyone that person felt the most honored. When he was asked for something, he never refused, and when he had nothing to give he would speak with kind words to the asker. He never refused to answer the question of a traveler and would say: "When you see someone in need, help them."

One day a needy person went to the Prophet, praise and peace be upon him, and asked for something. The Prophet, praise and peace be upon him, did not have anything to give him at that time, so he told him to go and purchase whatever he needed and charge it to him. Omar heard the conversation and reminded him that he had already given away everything he possessed and told him that Allah had not made him responsible for that which was beyond his means. Without hesitation, an Ansar spoke up saying: "O Messenger of Allah, spend whatever you will, do not fear any decrease from the Lord of the Throne", whereupon the Prophet smiled and said: "Allah, the Most High, has commanded me to do this."

One day Rubayyi, the daughter of MuawwiTh took the Prophet, praise and peace be upon him, some fresh dates and small cucumbers. The Prophet, praise and peace be upon him, had just been given some jewelry so he gave her either a handful of jewelry or gold.

When someone joined him for any reason he would remain seated until that person left. His endearing disposition was not just for a few, but for everyone, he was like a father to them.

He never thought it to be beneath him to mend his clothes nor help with the daily chores, and was always kind to children and would ask Allah to bless them. It was not his custom to concern himself in idle conversation nor yet to interrupt when someone was speaking. His gatherings were full of knowledge, modesty, patience and honesty. He neither degraded nor disgraced anyone. If someone had sinned, it was not made public. Little ones were loved, the needy given preference whilst strangers and travelers were cared for.

Those in his household loved him dearly, not once did he rebuke them for not having done a certain thing, nor did he ever ask why someone had done such a thing. He never used obscene language, nor did he shout and talk in the bazars. It was not his way to avenge a bad deed with a similar deed, rather, he would forgive it and it would not be mentioned thereafter. He never sought the faults in anyone.

Everyone received their rights, whether they were Muslims or non-Muslims. Even the unbelievers of Mecca testified to his honesty.

He was never short-tempered, nor did he humiliate anyone. He always greatly appreciated the blessings of Allah no matter whether they were small or great. He did not criticize his food, nor over-praise it. He never became angered over any materialistic matter. When someone exceeded the limits in religious matters or against the truth, he became angry in a way that no one could endure, and turn away. He either forgave the offender or paid no attention to him. When he was happy, it was as if he almost closed his eyes, as for his laugh, it was for the most part a smile in which his blessed front teeth glittered like shining white hailstones.

When he gestured towards something he would do so with his hand rather than by just pointing with one finger. The scholars say that this was yet another act of his humility as he would raise one finger as reference to Allah. When he was surprised by something he would turn his hand. He often spoke and used his hands. Sometimes he would hit the palm of his right hand with the underside of his left thumb.

As for his modesty, he was more bashful than a virgin behind her veil. Lady Ayesha, may Allah be pleased with her, said that neither did she see his private parts nor he hers.

There was a time when the companions went to the Messenger of Allah, praise and peace be upon him, complaining of their severe pangs of hunger and showed him the stones they had strapped against their stomach to stop it from

swelling whereupon the Prophet, praise and peace be upon him, showed them the two stones strapped to his.

There was also the time when the Prophet, praise and peace be upon him, and seven of his companions had nothing to eat except leaves. As a result their mouths became very ulcerated.

When a young Jewish boy was taken seriously ill, he went to visit him and through his kindness towards him the boy embraced Islam before he died and saved from the fires of Hell. He even visited the hypocrite Abdullah, the son of Ubay, who had for a long time gone out of his way to try to ridicule the Prophet, praise and peace be upon him.

There is a beautiful Prophetic Quotation (Ahadith) that tells the story of a Jewish rabbi. After the Prophet, praise and peace be upon him, migrated to Medina some of the sincere and knowledgeable Jews embraced Islam. Zayd, the son of Sanah was a knowledgeable Jew, he had studied his Scriptures well that described the time of the next prophet's appearance together with his characteristics and so he had awaited the coming of a new prophet.

When the Prophet, praise and peace be upon him, arrived in Medina he was able to recognize all but two of the prophesied fine characteristic in the Prophet, praise and peace be upon him, and up until that time remained unsure as to his prophethood. The signs were that his gentleness would overcome his anger and that the more foolish a person acted towards him, the more patient he would become.

One day as he was with the Prophet, praise and peace be upon him, a Bedouin came to him in a distressed state telling him that his tribe had embraced Islam, and that he had told them that if they became Muslims they would never again go hungry.

Now that drought had stricken his land and food was in very short supply he told the Prophet, praise and peace be upon him, he feared they would leave Islam on account of his promise and so he had come to ask the Prophet for his help. Rather than rebuking the man for giving such an unprecedented promise, the Prophet, praise and peace be upon him, turned to a companion who informed him that there was nothing left to give. Zayd had been listening intently to the conversation and told the Prophet that he knew of a date palm grove from which he could purchase in advance, dates, that could be harvested when ripe and that the Prophet could repay him later. In the meantime he gave the Bedouin some gold to buy food for his tribe to tide them over until the date harvest, with the instruction to deal fairly with it.

Some time later, after the dates had been harvested and given to the Bedouin, Zayd went to the Prophet, praise and peace be upon him. The Prophet had just

returned for attending the funeral of one of his companions and was sitting near a well when Zayd went up to him, tugged at the hem of his robe and chided him for not having repaid his debt and accused all of Abdul Muttalib's children as being poor payers. Omar happened to be present and jumped to the Prophet's defense saying: "O enemy of Allah, what are you mumbling. I swear by Allah, that if I did not fear I would have your head severed!" The Prophet, praise and peace be upon him, looked up and smiled at Omar and told him: "Omar, this person and I are in need of something more. He should have told me to take care to fulfill his rights, and should have advised in a better manner when putting forward his claim. Go, take him and fulfill his rights, and because he was scolded give him in its place twenty extra measurements of dates as his right.

Omar and Zayd went together and as Zayd received his rights he asked: "What is the reason for the excess amount of dates?" Omar replied: "The Messenger of Allah has commanded me to give it to you." Then Zayd asked Omar if he knew who he was and Omar replied that he did not, so he replied: "I am Zayd, the son of Sanah" whereupon Omar asked: "The learned man of the Jews?" whereupon Zayd told him he was the very same. Then Omar asked him what had caused him to behave in such a bad manner towards the Prophet, praise and peace be upon him. He replied: "Two signs from the signs of the Prophethood were left which I was not able to examine. The first was the gentleness of the Prophet that overrides his anger. The second was that the more foolishly a person acts towards him the more tolerant he becomes. Now I have examined both, therefore I make you a witness to my acceptance of Islam and give half my wealth to the nation of Prophet Muhammad, praise and peace be upon him.

Omar and Zayd returned to the Prophet, praise and peace be upon him, and Zayd embraced Islam. Later on he became a martyr.

HIS DEATH:

At the same time each year, the Prophet, praise and peace be upon him, would suffer from the reoccurrence of the poisoned meat he had been given by a Jewess in Khybar. Its reoccurrence in the year in which he passed away was more severe than ever before.

His illness began on the day in which he spent in Lady Ayesha's apartment with a headache. A day or so later when he was in the apartment of Lady Maymuna, may Allah be pleased with her, his illness worsened and knowing that he would feel better in the apartment of Lady Ayesha, may Allah be pleased with her, his wives were happy to have him taken to her apartment and relinquish their rights.

Due to the severity of his illness, he was unable to lead his followers in prayer so he appointed Abu Bakr to lead them instead. A few days before he passed away, although it was obvious he was weak from his suffering, he felt a little better and asked to be assisted into the Mosque. When the congregation realized he was amongst them great happiness spread throughout the Mosque as they thought

he must be recovering. After having offered his prayer sitting down he was taken back to Lady Ayesha's apartment for the last time.

On a Monday, ten or eleven days later, our beloved Prophet, praise and peace be upon him, passed away after having dipped his hands in a cup of water that was beside him and wiped them over his blessed face as his head rested upon the either Lady Ayesha's chest or lap.

As soon as Abu Bakr learned of his death he made haste to his daughter's apartment, and kissed the blessed forehead. It was the saddest day of all time. The companions did not know where to bury him, some thought it should be in Mecca whilst others thought differently. Then, one of the companions informed them that the Prophet, praise and peace be upon him, had told him that a Prophet is buried where he died, and so he was laid to rest in Lady Ayesha's apartment.

The Prophet, praise and peace be upon him, left but a few worldly goods behind, one of which was a suit of armor pawned to a Jew, a donkey, and a piece of land which he had said was to be charity and the ring which he used as a seal. When Abu Bakr became caliph the ring was given to him and passed in succession to Othman during whose time it was lost. The donkey, duldul, pined so much for her master that she threw herself into a well and died.

THE PROPHET'S POSSESSIONS AND CLOTHING HIS BED:

Our beloved Prophet, praise and peace be upon him, slept upon a hard leather mattress stuffed with the fiber of palm trees. The mattress was so hard that the palm fiber marks left welt marks upon his blessed body when he arose.

One night Lady Ayesha, may Allah be pleased with her, decided to fold the mattress in four so as to make it a little more comfortable. The next morning the Prophet, praise and peace be upon him, asked what she had spread out for him that night, so Lady Ayesha, may Allah be pleased with her, told him what she had done. The Prophet, praise and peace be upon him, told her to return it to had it had been because its softness deprived him from his voluntary prayers -- this was because the softer mattress had caused him to sleep more soundly than when he slept on a hard mattress.

HIS TOOTHBRUSH:

The Prophet, praise and peace be upon him, would clean his teeth with the splayed end of a miswak twig.

HIS NATURAL FRAGRANCE AND USE OF PERFUME:

The Messenger of Allah, praise and peace be upon him, was blessed with a natural fragrance quite unlike any other in the world. It has been described as

being nicer than either amber or musk. Such was its sweetness that when he perspired, his wives collected his perspiration and used it to perfume themselves.

He recommended the use of perfume to his companions saying: "The perfume of a man is a fragrance that spreads and has less color. The perfume of women has more color and is less fragrant." The scholars explain this to mean that men should wear a heavy fragrance whereas women should use a light fragrance but should avoid wearing it when going out.

HIS CLOTHING:

The Prophet, praise and peace be upon him, preferred to wear a cotton thowb, which is a long gown. Sometimes the sleeves would be long, reaching as far as his wrist, but never covered his fingers. Other times the sleeves would be shorter, as for its length he would either wear one that reached to just above his ankles or one that reached halfway down his calf. He did not have two thowbs at the same time.

We are also told that the waist wrap he liked most was one made from printed Yemani cloth that is reported as being green. His waist wraps would never exceed the length of his ankles. It is also forbidden for a man to wear his clothes longer than this.

At another time he wore a red garment, however it was a color for him alone to wear because he forbade other men to wear red garments. As for garments dyed a saffron color, he forbade their wearing, however, if a saffron color garment becomes so *very* faded that no trace of the color remains, it can be worn, as the Prophet, praise and peace be upon him, once wore such a sheet.

Lady Ayesha, may Allah be pleased with her, reported that one day the Prophet, praise and peace be upon him, left the house in morning wearing a sheet made of black hair.

The Prophet, praise and peace be upon him said: "Choose white clothing, as it is the best clothing. White clothing should be worn whilst living, and the dead should be buried in white."

During an illness as he was assisted by Anas to leave his apartment he wore a patterned Yemeni shawl.

When he received a new garment he would supplicate saying: "O Allah, all praise and thanks to You for clothing me with this. I ask You for the good of it and the good of what it was made for, and I ask Your protection from the evil of it and the evil of what it was made for."

Lady Ayesha, may Allah be pleased with her, said: "... he possessed only one of each, a thowb, body wrap, shoes or any other clothing, he never had two of anything (at one time)."

HIS LEATHER SOCKS:

Our beloved Prophet, praise and peace be upon him, wore different types of leather socks.

One day when he and some of his companions were in a wooded area he took off his leather socks and placed them to one side. After a while he put his right sock on and was about to put on the left one when a crow swooped down, flew away with it and then dropped it. Unobserved by everyone, a snake had found its way into the sock and when the crow dropped the sock the snake fell out. The Messenger of Allah, praise and peace be upon him, praised Allah and from that time onward warned that socks should be checked before putting them on.

There were occasions when, after the Prophet had made wudu he put on a pair of leather socks. When the next time for prayer arrived and it was necessary for him to renew his ablution, he did not remove his socks but wiped his damped hands over the top of them.

HIS SHOES:

The Prophet, praise and peace be upon him, wore sandals with leather soles and two straps. At that time, it was common for sandals to be made without removing the hair of the animal. We are told by Annas, one of his companions, had seen his shoes and there was no hair on them.

He warned not to wear just one shoe by itself and told his companions to either wear a pair of shoes or none at all.

HIS TURBAN:

The Prophet, praise and peace be upon him, had two sizes of turbans. One was smaller than the other. The length of material in the smaller of the two was six cubits, whereas the material in the larger one was twelve. (A cubit is the approximate length of the forearm).

At the opening of Mecca, the Prophet was seen wearing a black turban as he entered the City. More often than not, he would wear his turban with the end piece hanging down at the back, however, he would sometimes wear it with the end piece hang over his right shoulder. He also wore a yellow turban.

HIS RING:

The Prophet, praise and peace be upon him, had a silver ring with a gemstone from Abyssinia which he used as a seal.

There was a time when he did not have a ring. However, when Islam started to spread and he began to write letters of invitation to Islam to the Emperor of Rome, the King of Persia, and so on, he was informed that none of these heads of state would accept a letter unless it bore a seal. The ring was made in either the 6th or 7th year after his migration to Medina.

His ring was inscribed on three lines, the first inscription read "Muhammad", the second "Messenger" and the third "Allah". The scholars are of the opinion that he was given several rings, however, he did not wear a ring every day and would remove his ring when praying. When he wore the ring which had the Name of Allah inscribed upon it he would remove it from his finger before going to the toilet. When he wore an ordinary ring he would sometimes wear it on either his right or left hand.

Before it was forbidden for a man to wear gold, the Prophet, praise and peace be upon him, had a ring made of gold, as did some of his companions. When the injunction came, he said: "I will never wear it again."

When the Prophet, praise and peace be upon him, passed away, the ring bearing the seal was passed on to Abu Bakr, then subsequently to Omar and then Othman. During the caliphate of Othman, Muaykeeb was entrusted with its safekeeping. One day as Othman and Muaykeeb were sitting by the well of Arees, near the Mosque at Kuba, Muaykeeb handed the ring to Othman however the ring fell from their hands into the well. Othman immediately ordered the well to be searched but to no avail. Water was hauled up for two days but there was no sign of the ring, it had been lost for ever.

HIS SWORD:

It was the custom of the Prophet, praise and peace be upon him, to name things. He named his sword "Dulfikkar" and its hilt was made from silver. The sword was liked those of the tribe of Hanifah who were famous for the sword making skills.

HIS ARMOR:

The Prophet, praise and peace be upon him, possessed seven suits of armor all of which were given a name: Thatul Fadl, Thatul Hawashi, Thatul Wishah, Fiddah, Saghdhiyyah, Tabra and Kharnag. At the time of the Prophet's death, Thatul Fadl was in pawn to a Jew.

At the Battle of Uhud, which was a very fierce battle, he wore two suits of armor, one on top of the other, they were those he named Thatul Fadl and Fiddah. He also wore a helmet.

CONCLUSION:

All those blessed to see Prophet Muhammad, praise and peace be upon him, could only describe his noble, blessed features by saying: "I have not seen anyone like the Messenger of Allah, praise and peace be upon him, neither

before nor after him." Therefore, it is impossible for us in this day and age to comprehend the magnitude of his beauty, either physically or inwardly.

By attempting to mirror his ways there are tremendous blessings that are rich in reward.

May Allah praise and venerate our beloved Prophet Muhammad, the best of all His creation.

@*BOOK 7: THE VALIDITY OF FOLLOWING QUALIFIED SCHOLARSHIP

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@*Chapter 7.1.0: Introduction

@7.1.1 Shaykh Muhammad Sa'id Buti posed the question, "When one is incapable of issuing an expert legal opinion (ijtihad) on matters pertaining to the Sacred Law, what is the proof that the authoritative, qualified scholar's (taqlid) opinion is legally valid and even obligatory?"

There are several aspects

@7.1.2 Meaning of qualified scholarship

For the key term “qualified to issue expert legal opinion” (mujtahid, this ability being ijtihad) please turn to book o and read 9.22.1(d) the qualifications of an Islamic judge (qadi).

The difference between the qualifications for the imam of a school, and those for a judge or a mufti is that the former's competence in giving an opinion is absolute. This extends to all subject matters in the Sacred Law, whereas the competence of the judge or mufti is limited respectively to judging court cases or to applying his imam's ijtihad to particular questions.

Throughout the history of Islam there has never been a period devoid of people competent in ijtihad to address new issues. It is an important aspect of Sacred Law to apply the sound Islamic legal methodology based on the Koran and Prophetic quotations (Ahadith) primary texts to provide solutions to new, ethical problems. However, while in this specific sense, the door of ijtihad is not and cannot be closed, Islamic scholarship has not accepted anyone's claims to absolute ijtihad since Imams Abu Hanifa, Malik, Shafi'i and Ahmad. If one studies the intellectual legacy of these jurists under scholars who have a working familiarity with it, it is not difficult to see why.

As for those who decry "inflexible conservatism" and would open the gate of ijtihad for themselves while lacking, or possibly not even knowing the necessary qualifications, if such people have not studied the rulings of a particular school and the relation between these rulings, the Koranic and Prophetic Quotations (Ahadith) primary texts, and the school's methodological principles, they do not know how ijtihad works from an observer's standpoint, let alone how to employ it. To ask them, for example, which of two equally authenticated primary texts that conflict on a legal question should be given precedence, and why, is like asking an aspiring drafting student for the particulars of designing a suspension bridge. Answers may be forthcoming, but they will not be the same as those one could get from a qualified contractor.

To urge that a mujtahid is not divinely protected from error (ma'sum) is as of little relevance to his work as the fact that a major physicist is not divinely protected from simple errors in calculus; the probability of finding them in his published work is virtually negligible.

Regarding other, long-dead schools, such as the Zahiriyya, the difference between their work and that of the four living schools of jurisprudence is firstly one of quality, as their positions and evidence have not been re-examined and upgraded by succeeding generations of first-rank scholars like those of the four schools (dis:w-12), and secondly the lack of verification of the actual positions of their Mujtahid's through reliable chains of transmitters, as described below at 7.7.6.

@*Chapter 7.2.0: The Koranic evidence for following scholars

@7.2.1 (Muhammad Sa'id Buti;) The first aspect of it is the Word of Allah, the Majestic.

"Ask the people of the Remembrance, if you do not know." (Koran 16.43). By consensus of all scholars (ijma.def:7.7), this verse is an imperative for someone who does not know a ruling in Sacred Law, or the evidence for it, to follow someone who does. Virtually all the scholars of the fundamentals of Islamic law have made this verse their principle evidence that it is obligatory for the ordinary person to follow the scholar who is a mujtahid.

@7.2.2 Similar to the above verse in being evidence for this is the Word of Allah, the Most High, "The believers should not go forth altogether, rather, a party from each section should go forth to become well versed in the religion, and when they return to their people warn them in order that they may beware." (Koran 9.122).

From this verse it is learned that Allah prohibited the total Muslim community to engage themselves in military expeditions or jihad. He ordered that a section of the community stay behind to become more knowledgeable about Islam, so upon their brother's return they would find those who were qualified to give a legal opinion on both lawful and unlawful matters, and that they would also be able to explain the rules of Allah, the Glorious and Exalted (ibid., 71).

@*Chapter 7.3.0: The practice of the companions of the Prophet (Sahaba)

@7.3.1 Shaykh Muhammad sa'id Buti said, "A second aspect is the consensus of scholars that the companions of the Prophet (Sahaba, anyone who personally met the Prophet - may Allah venerate him and give him peace - and died while believing in Islam) had reached various degrees of religious knowledge. However, not all of them were capable of giving formal legal opinion (fatwa), as Ibn Khaldun noted, "Nor was the religion taken from all of them."

@7.3.2 Religious knowledge was taken by following the Companions:

Amongst all the companions there were a small minority capable of passing a legal opinion and ijtihad. Then, there were those who sought legal opinion and followed others therein, and these constituted the vast majority.

Suyuti, in Tadrib al-rawi, quotes Ibn Hazm's report that thousands of the companions said that most of the companion's legal opinions were taken from seven companions, namely, 'Umar, Ali, Ibn Mas'ud, Ibn Umar Ibn Abbas, Zayd ibn Thabit, and Lady Ayesha. Tadrib al-rawi fi sharh Taqrib al-Nawawi(y-109), 2,219.

@7.3.3 Those giving opinions did not mention evidence

When giving a legal opinion the companion did not necessarily mention its evidence to the inquirer. Al-Amidi notes in his book Al-Ihkam, "As for scholarly

consensus [ijma dis: 7.7.2] it is that ordinary people during the times of the Companions and those who immediately followed them, before there were dissenters, used to seek the opinion of mujtahids and would follow them in rules of Sacred Law. The learned among them would unhesitatingly answer their questions without alluding to mention of evidence. No one censured them for doing this; a fact that establishes scholarly consensus on the absolute permissibility of the ordinary person following one capable of ijtiḥad."

@7.3.4 The Prophet dispatched scholars to various peoples

It was the practice of the Prophet - may Allah venerate him and give him peace - to dispatch the most knowledgeable of the Companions to places whose inhabitants knew nothing more of Islam than its five pillars. The latter would follow the Companion sent to them in everything he gave judgment upon and instructed them in good deeds, acts of worship, dealing with one another, and all matters pertaining to that which is lawful and unlawful.

Occasionally, the Companion would come across a question on which he could find no evidence in the Koran or Prophetic practice, in this event he would use his own personal legal reasoning and furnish an answer in light of it, and the inquirer would follow him therein.

@7.3.5 Succeeding Generations Followed the Example of the Companions

In the succeeding generations (tabi'in, those who had personally learned from one or more of the Companions, but not the Prophet himself - may Allah venerate him and give him peace -), the scope of legal reasoning had expanded. However, the Muslims during this era followed the same course as that of the Companions of the Prophet - may Allah venerate him and give him peace - , except that the legal efforts were represented by the two main schools of thought; that of juridical opinion (ra'y) and that of Prophetic quotations (Ahadith) because of the methodological factors we previously mentioned when we quoted Ibn Khaldun.

Occasionally there were discussions and intense disputes between leading representatives of the two schools, however, the ordinary people and students who had not reached that degree of understanding remained unconcerned with the disagreement, and without censure followed whosoever they wanted, or whosoever was near to them. (al-LamaThhabiyya akhtar bid'a tuhaddidu al-shari'a al-Islamiyya (y-33), 71-73).

@*Chapter 7.4.0: Rational Evidence for Following Specialists

@7.4.1 Shaykh Muhammad sa'id Buti said, "A third aspect is the obvious rational evidence and about which Shaykh Abdullah Diraz said, 'Assuming a person does not have the qualifications for ijtiḥad, the logical proof is that when a particular ruling arises, either he will not worship at all – which all scholars concur is impermissible – or, if he does worship it will either be by examining the proof that verifies the ruling, or by following a competent authority.'

The former is inadmissible because it would lead, in respect to him and all others like him, to an in-depth examination of the evidences for all such instances, preoccupation with which would obviate the earning of livelihoods, disrupt trade and occupations, running the world by neglect of tillage and offspring, and preventing any one's following another's ijtiḥad, thereby placing everyone under the most extreme hardship. The sole remaining alternative is to follow another, which is the means through which one must worship in such a case" (ibid.,73).

@*Chapter 7.5.0: The Obligation to Follow Qualified Scholars

@7.5.1 Mujtahid's Opinion is Evidence for Non-specialists

Shaykh Muhammad reported Shaykh Buti as saying, 'It is because scholars accept the evidence of Koran, Prophetic practice and reason as complete and intersubstantiative that ordinary people or those who have studied but not reached the level of textual deduction and ijtiḥad must follow a qualified mujtahid who has a comprehensive grasp of the evidence. In respect of the ordinary person, it is obligatory that a formal legal opinion (fatwa) given by a mujtahid is to be upheld, just as the evidences and proofs of the Koran and Prophetic practice binds the mujtahid.

In the verse quoted above at (7.2.1) the uninformed person must adhere to the formal legal opinion of the scholar and his ijtiḥad (ibid.,73).

@*Chapter 7.6.0: Why Qualified Scholars Differ on Legal Issues

@7.6.1 Mujtahid's Opinion is Evidence to Non-specialists

(Salih Mu'athThin:) There is agreement between the Muslims of the Prophetic practice and community that all the rulings of the Sacred Law have been determined through evidence that is either of unquestionably established transmission (qat'i al-wurud) or probabilistically established transmission (zanni al-wurud).

The chapters and verses of the Koran, together with the Prophetic quotations (Ahadith)s, have reached our generation through so many different channels of transmission that belief in them is obligatory (mutawatir, def:9.22.1(dII)). All are unquestionably established in their transmission and have been transmitted in a variety of ways including their continuous transmission by from one generation to the next and also by entire groups. With such diverse channels of transmission in place it is impossible that the transmitters conspired together in their fabrication.

As for the evidentiary character of these texts, regardless whether they are of unquestionably or a probabilistically established transmission, they are of two types.

The first type is that of "unquestionable as evidence" (qat'i al-dalala). It is a plain text that does not permit more than one meaning. It is that which no mind can interpret beyond its singular meaning, and in which there is no possibility to

construe in terms of other than its apparent sense. This type includes Koranic verses that deal with fundamental tenets of faith in the Oneness of Allah, the prayer, obligatory charity, and the fast of Ramadan. There is no room for disagreement in this type and none of the Imams of the Sacred Law ever expressed a difference.

The second type is that of “probabilistic as evidence” (zanni al-dalala). It is a text that can bear more than one meaning. This could be because it contains a word that has two different meanings, or because it was made by way of figure of speech or metaphor, or because it can be interpreted in other than its apparent sense in the context without this contradicting what was intended by the Wise Lawgiver. It is here that we find scope for scholarly difference of opinion to a greater or lesser extent depending upon the number of meanings a text can imply, for example how much interpretation it will bear, and so forth.

All of the derivative rulings of Sacred Law are of this type and are defined as “probabilistic as evidence.” Consequently, differences in interpretation arise among Islamic legal scholars with scholars interpreting them according to his comprehension and broadness of his horizons, without giving the text a reading that it does not imply. Therefore, scholarly differences are not unnatural, they are even logically necessary as a result of the factors we have just described.

Allah, the Mighty and Majestic has willed that most texts of the Sacred Law be probabilistic as evidence because of a wisdom He demands, namely, to give people more choice and leave room for minds to use ijtihad in understanding His Word and those of His Messenger - may Allah venerate him and give him peace.

@7.6.2 Example of a Question on which Scholars Differ

We conclude this short summary with an example of clarification. Consider the Word of Allah.

"Divorced women shall wait by themselves for three periods" (Koran 2.228).

and His saying, in the same chapter:

"For those who swear a wait for four months from their women" (Koran 2.226).

The say of Allah “three” in the former and “four” in the latter are texts that are decisive as evidence, in that neither admits of more than one interpretation, namely, the well-known numbers. But in contrast with this, when Allah says “periods” (Ar.quru') in the first, and “months” (ashhur) in the second, we find that the former word can have more than one sense in its Arabic lexical root meaning, whereas months cannot, the latter being decisive in meaning and incapable of bearing another interpretation.

Concerning this question, Imam Qurtubi says in his Koranic explanation, “Scholars differ about the word “periods”. Those of Kufa hold that it means menstrual periods, and this is the position of 'Umar, 'Ali, and Ibn Mas'ud. But those of the Hijaz hold it means the intervals of purity between menstrual periods, and this is the view of Lady Ayesha, Ibn 'Umar, and Shafi'i.”

Considering this, it is not unnatural that there should be various opinions about understanding the verse "three periods" but only one about the understanding of the saying of Allah "four months". If Allah had wanted all opinions to coincide on this question. He might have said for example, "three menstrual periods" (hiyad) or "three intervals of purity between menstrual periods" (athar), just as He said "four months." Therefore, all the texts of Sacred Law that can bear more than one meaning are comparable to this example ('GOVERNANCE OF THE TRAVELLER' UMDAT AL-SALIK' (y-90). 11-13).

@*Chapter 7.7.0: Scholarly Consensus (Ijma`)

@7.7.1 Meaning of Consensus

('Abdal-Wahhab Khallaf:) Scholarly consensus (ijma') is the agreement of all the mujtahids (def:9.22.1(d)) of the Muslims existing at one particular era after the Prophet's death - may Allah venerate him and give him peace - about a particular ruling regarding a matter or event.

From this four integral elements of scholarly consensus are required for validation and without which it is invalid.

- (1) that a number of mujtahids exist at a particular time:
- (2) that all the mujtahids in the era of the thing or event agree on its ruling, regardless of their country, race, or group, and that the consensus of non-mujtahids is of no consequence
- (3) that each mujtahid present his opinion about the matter in an explicit manner, whether verbally, by giving a formal legal opinion on it, or practically, by giving a legal decision in a court case concerning it
- (4) that all mujtahids agree on the ruling, for if a majority of them agree the consensus is not effected regardless of those in opposition.

@7.7.2 Scholarly Consensus is Legally Binding

When the four necessary integrals of consensus exist, the ruling agreed upon is an authoritative part of Sacred Law that is obligatory to obey and unlawful to disobey. Mujtahids of succeeding eras cannot make the thing an object of new ijtihad, because the ruling, verified by scholarly consensus, is an absolute legal ruling which does not admit of being contravened or annulled.

@7.7.3 Koranic Evidence

The proof of the legal authority of scholarly consensus is that in the Holy Koran Allah, the Most Glorious orders believers to obey Him and His Messenger. He also orders believers to obey those in authority (ulu al-amr) among them, saying: "Believers, obey Allah and obey the Messenger and those in authority among you." Koran 4.59.

Therefore when Islamic legal authorities, the Mujtahids, agree upon a ruling it is obligatory to follow them and adhere to their judgment. Allah warns those who oppose His Messenger, may Allah venerate him and give him peace, and choose to follow other than the way of believers saying:

“But whosoever opposes the Messenger after guidance has been made clear to him and follows a path other than that of the believers, We shall let him follow what he has turned to and We shall roast him in Gehenna (Hell) an evil arrival.”
Koran 4.115

@7.7.4 Evidence in a Prophetic Quotation (Ahadith)

A second evidentiary aspect is that a ruling agreed upon by all the mujtahids in the Islamic nation (Umma) is in fact the ruling of the nation, represented by its mujtahids. There are many Prophetic quotations (Ahadith)s, as well as quotes from the Companions, which indicate that the nation is divinely protected from error. The Prophet said - may Allah venerate him and give him peace - :

1. "My nation shall not agree on an error."
2. "Allah will not make my nation concur on misguidance."
3. "That which Muslims consider to be good, Allah considers to be good." ('Ilm usul al-fiqh (y-71), 45-47)

@7.7.5 Scholarly Consensus and the Four Sunni Schools

The Prophet - may Allah venerate him and give him peace - said,
"The hand of Allah is over the group, and whosoever dissents from them departs to Hell."

In reference to the hand of Allah being over the group (al-`Azizi:) Munawi said,

"The meaning of "the hand of Allah" refers to His protection and preservation of them because He has no hand like human beings.

It signifies that all Muslims are in the shelter of Allah and His protection is in the midst of them, therefore do not separate yourselves from Muslims. TirmiThi, who was the first to record this Prophetic quotation (Ahadith) said that whosoever dissents from them departs to Hell.

This means that whosoever deviates from the overwhelming majority in matters that are lawful or unlawful and deviates from matters in which the nation has neither differed nor slipped from the path of guidance has taken a path that leads to Hell (al-Siraj al-munir sharh al-Jami' al-saghir (y-18), 3.449).

@7.7.6 Why One May Not Follow Other Than the Four Schools

('Abd al-Rahman Ba'alawi:) Ibn Salah reports that there is scholarly consensus that it is unlawful to follow rulings of schools other than those of the four established Imams in one's personal affairs. It is also unlawful for those outside the four schools of jurisprudence to give verdicts or formal legal opinions because of the untrustworthiness of the ascription of such rulings to the scholars who gave them as there are no channels of transmission which obviate the possibility of textual corruption and spurious substitutions.

Although Zayd, the son of 'Ali Husayn, may Allah be pleased with them, was one of the Imams of Islam and a person who was not only renowned but well qualified to give guidance to seekers, his followers called "The Zaydis" failed to check his position in many matters such as naming the intermediate transmitters and establishing their reliability, and identified him with extreme permissiveness.

In respect to the four schools of jurisprudence the situation is the reverse, their Imams, may Allah be pleased with them, spent their lives checking the positions of their schools. They explained both the rigorous authentication and the position of the person it was attributed to, and what could not be, thereby achieving safety from textual corruption by discerning the genuine from the poorly authenticated. (Bughya al-mustarshidin fi talkhis fatawa ba'd al-a'imma min al-muta'akhhirin (y-19), 8).

@*BOOK 8: THE NATURE OF LEGAL RULINGS

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@*Chapter 8.1.0: Kinds of Rulings

@8.1.1 Meaning of a Legal Ruling

('Abd al-Wahhab Khallaf:) A legal ruling is a statement from the Lawgiver (syn. Allah or His Messenger - may Allah venerate him and give him peace -) concerning the acts of those matured and competent that:

1. requires something
2. allows a choice
3. or gives stipulations.

@8.1.2 Injunctive Rulings

An injunctive ruling is one that enjoins the matured and competent individual to either do or refrain from an act, or gives him an option to do or refrain from it.

An example of enjoining one to do an act is the saying of Allah:

"In it, there are clear signs; the station where Abraham stood. Whosoever enters it let him be safe. Pilgrimage to the House is a duty to Allah for all who can make the journey. And whosoever disbelieves, Allah is Rich, independent of all the worlds." (Koran 3.97).

An example of enjoining one to refrain from an act is His saying:

"Believers, do not let people mock other people" (Koran 49.11).

And an example of giving an option to do or refrain from an act is His saying:

"Then, when the prayers has ended, disperse in the land and seek the favor of Allah." (Koran 62.10).

@8.1.3 Stipulative Rulings

As for stipulatory rulings, they entail that something is made a legal reason (sabab) for another thing, a condition (shart) for it, or a preventive (mani) of it.

An example of being stipulated as reason for something is the saying of Allah:

"Believers, when you rise to pray wash your faces and your hands as far as the elbow..." (Koran 5.6),

which stipulates wanting to pray as a reason for the obligation of performing ablution (wudu).

An example of something being made a condition for another thing is His saying: "Pilgrimage to the House is a duty to Allah for all who can make the journey." (Koran 3.97). This implies that the ability to be able to get to the Sacred House is a condition for the obligatoriness of one's pilgrimage.

Another example is the Prophet's saying - may Allah venerate him and give him peace - "There is no marriage unless there are two witnesses." This means means the presence of two witnesses is a condition for the validity of a marriage.

An example of being made a preventive of something is the Prophet's saying - may Allah venerate him and give him peace - "The killer does not inherit." This means that an heir who killed the deceased is prevented from inheriting his share of inheritance. ('Illm usul al-fiqh (y-71), 100-102).

@*Chapter 8.2.0: Types of Human Act

@8.2.1 Obligatory

The obligatory (fard) is that which the Lawgiver strictly requires be done. Someone who performs an obligatory act out of obedience to Allah is rewarded, whereas a person who refrains from it, without excuse, deserves to be punished.

In the Shafi'i school of jurisprudence there is no difference between the obligatory (fard) and the requisite (wajib) except in the pilgrimage, where non-performance of a requisite does not invalidate the pilgrimage, but necessitates an expiation by sacrificing an offering. For any conditions necessary for its validity and all of its integrals (ruk'n, pl. arkan) are obligatory, since it is unlawful to intentionally perform an invalid act of worship.

@8.2.2 Recommended, Prophetic Ways

The Prophetic practice is that which the Lawgiver asks be done, but does not strictly require it. Someone who performs it out of obedience to Allah is rewarded, however, someone who refrains from it is not punished.

@8.2.3 Permissible

The permissible (mubah) is what the Lawgiver has neither requested nor prohibited, so the person who does it is neither rewarded nor punished. Rather, doing or not doing it are equal, however, if a person does it to enable him to perform an act of obedience to Allah, or refrains from it for that reason, he is rewarded for it. But if he does such an act to enable him to perform an act of disobedience, he is sinning

@8.2.4 Offensive

The offensive (makruh) is that which the Lawgiver has interdicted but not strictly forbidden. A person who refrains from such an act out of obedience to Allah is rewarded, whereas the person who commits it does not deserve to be punished.

@8.2.5 Unlawful

The unlawful (haram) is what the Lawgiver strictly forbids. Someone who commits an unlawful act deserves punishment, whereas one who refrains from it out of obedience to the command of Allah is rewarded.

(Scholars distinguish between three levels of the unlawful:

1. minor sins (saghira, pl. sagha'ir), which may be forgiven from prayer to prayer, from one Friday prayer (jumu'a) to another, and so forth, as in mentioned in Prophetic quotations (Ahadith);
3. major sins (kabira, pl. kaba'ir), those which appear by name in the Koran or Prophetic quotations (Ahadith) as the subject of an explicit threat, prescribed legal penalty, or curse, (as listed below in book p;)
4. and disbelief (kufr), sins which put one beyond the bounds of Islam (as discussed at 9.8.7) and necessitate stating the Witnessing of Faith (Shahada) to reenter it.

Repentance (10.77) is obligatory for all three (al-Zawajir 'an iqtiraf al-kaba'ir (y-49), 1.5-9).

@8.2.6 Ruling of an Act Varies with the Situation

Grand Shaykh Imam Nawawi said, "There is no doubt that the merit of an act varies. Fasting, for example, is unlawful on 'Eid Day, but obligatory before it, and recommended after it. The prayer is highly desirable most of the time, but offensive during some times and situations, such as when restraining oneself from using the lavatory.

Reciting the Koran is desirable, but offensive when bowing in the desirable, but offensive when bowing in the prayer or prostrating. Dressing in one's best clothes is good on the 'Eid or on a Friday, but not during the drought prayer, and so forth."

Abul Qasim al-Junayd (may Allah have mercy on him) said, "A sincere person changes forty times a day, while the hypocritical show-off stays as he is forty years." The meaning of this is that the sincere person moves with what is right, wherever it may lead, such as when the time of prayer is due, he prays, and when it is best to be sitting with the learned, or the pious, or guests, or his children, or taking care of the needs of a Muslim, or mending a broken heart, or whatever else it may be, he does it, rather than doing what he usually does. And likewise for fasting, reciting the Koran, invoking Allah, eating or drinking, being serious or joking, enjoying the good life or engaging in self-sacrifice, and so on. Whenever he sees what is preferred by the Sacred Law, he does it, and is not bound by a particular habit or kind of devotion like a "show-off" does.

The Prophet - may Allah venerate him and give him peace - did a variety of things such as prayer, fasting, listening to the recitation of the Koran and supplicating, eating and drinking, dressing, riding, lovemaking with his wives, seriousness and jest, happiness and wrath, scathing condemnation for blameworthy things, leniency in punishing those who deserved it and excusing them, and so on, according to what was possible and preferable for the time and circumstances (al-Majmu' (y-108), 1.17-18).

@*Chapter 8.3.0: Obligatory Acts

@8.3.1 Time-Restricted versus unrestricted time

('Abd al-Wahhab khallaf:) Obligatory acts are distinguished in four ways, according to various considerations.

One distinction is whether current performance is time-restricted or not.

A time-restricted obligatory act is one the Lawgiver demands be done at a particular time. For example, the five daily obligatory prayers each of which have a set time during which they are to be performed, in which a particular prayer is not obligatory before its prescribed time and the individual is guilty of a serious sin if he delays it past its prescribed time without an excuse.

An obligatory act that is not restricted by time is one which the Lawgiver strictly demands, but does not specify a time for its current performance, such as the expiation obligatory for someone who swears and oath and breaks it (020).

@8.3.2 Personally obligatory acts versus communally obligatory acts:

A second distinction between obligatory acts is made on the basis of who is called upon to perform them, namely whether an act is that which is personally obligatory or that which is communally obligatory.

An obligatory personal act (fard al 'ayn) is that which every mature and competent person has been ordered to do by the Lawgiver via Revelation.

It is insufficient for someone to perform such an obligatory act on behalf of someone else, for example performing the prayer, pay the obligatory charity (zakat) (h-1.0), keeping agreements, and avoiding wine or gambling.

A communally obligatory (fard al-kifaya) act is that which is collectively required by the Lawgiver of those mature and competent, not from each one of them. This means that that if someone undertakes the act, then the obligation has been fulfilled and the sin and responsibility of non-performance is lifted from the rest. If no one undertakes it, then all are guilty of serious sin for neglecting the obligation.

Examples include commanding the right and forbidding the wrong (book q), praying over the dead, building hospitals, lifesaving, fire fighting, medicine, industries people require, the existence of Islamic courts and judges, issuing formal legal opinions, responding to someone who says "as-Salamu 'alaykum," and testifying in court.

The Lawgiver requires that these obligatory acts exist in the Islamic Community regardless of who does them. But He does not require they be done by each person, or someone in particular, since the interests of the Community are realized by the existence of these things through the efforts of some of those matured and competent, and do not entail every particular person's performance of them.

It is obligatory for someone able either through himself or his property to perform the communally obligatory act, and for someone unable to do it himself is obligatory for him to urge and have the person who can do it, do it. If the obligatory act is done, all are cleared of the sin, and if neglected all are guilty of a serious sin. The person capable of it is guilty because he neglected a communally obligatory act he could have done, and the rest are guilty because they neglected to urge him and to perform the obligatory act of which he was capable.

When an individual is the only one available who can perform a communally obligatory act, the act becomes personally obligatory upon him.

@8.3.3 Acts of Defined Amount versus Undefined Amount

A third way in which obligatory acts are distinguished is by the amount of them required, that is, whether the act is of a defined amount or an undefined amount.

Obligatory acts of defined amount are those for which the Lawgiver has determined a particular quantity. This means the subject is not free of the obligation until he has done the amount stipulated by the Lawgiver, for example the five obligatory daily prayers, or obligatory charity.

Obligatory acts of undefined amount are those for which the Lawgiver has not stipulated the amount, rather He demands them from the subject in an undetermined quantity, for example spending in the way of Allah, cooperating with one another in good works, feeding the hungry, helping those in distress, and so forth.

@8.3.4 Specific Obligation Versus Alternatives

A fourth distinction between obligatory acts is whether an act is a specific obligation, or an obligation in which there is a choice between alternatives.

Specific obligations are those in which the Lawgiver demands the act itself, such as the five daily prayers, fasting the month of Ramadan, paying for merchandise,

rent from a tenant, or returning something wrongfully taken for which an individual is not free of the obligation until he does that very act.

An obligation to choose between certain alternatives is when the Lawgiver requires the performance of one of a given number of actions. For example, as one of the options in expiating a broken oath, where Allah, the Most High requires the person who has broken his oath to feed ten poor people, clothe them, or free a slave ('abd,def:w-13), in which the obligation consists of doing any of these three things ('llm usul al-fiqh (y-71), 106, 108-11).

@*Chapter 8.4.0: Recommended Acts

@8.4.1 Confirmed Prophetic Ways (Prophetic practice Mu'akkada)

('Abd al-Wahhab Khallaf:) Recommended acts are divided into three categories.

@8.4.2 Voluntary Works

The first is that of recommended acts whose demand is confirmed. Someone who neglects such an act does not deserve punishment, but does deserve censure and blame. This includes the Prophetic ways and recommended acts that are legally considered to complete obligatory acts. For example, the call to prayer (aThan) or performing the obligatory prayers in a group, as well as all religious matters that the Prophet - may Allah venerate him and give him peace - diligently performed and did not omit except once or twice to demonstrate that they were not obligatory, like rinsing out the mouth when performing ablution, or reciting a sura or some verses of the Koran after the Fatiha during the prayer. This category is called the confirmed Prophetic way (Prophetic practice mu'akkada) or Prophetic way of guidance.

@8.4.3 Desirable Acts

The second category is those acts whose performance is sanctioned by Sacred Law in which the person who performs them is rewarded, but for someone who omits them does not deserve to be either punished or blamed. This includes acts the Prophet - may Allah venerate him and give him peace - did not diligently perform, but did one or more times and then discontinued. It also includes all voluntary acts, like spending on the poor, fasting on the Thursday of each week, or praying units (rak'as) of prayer in addition to the obligatory and confirmed Prophetic practice prayers.

This category is called the extra Prophetic practice or Voluntary (nafila).

@8.4.4 Highly Recommended Acts

The third category consists of the highly recommended acts. This means those acts considered part of an individual's aim to achieve perfection. It includes following the Prophet - may Allah venerate him and give him peace - in ordinary daily affairs such as that of when a person eats, drinks, walks, sleeps, and dresses.

Following the example of the Prophet - may Allah venerate him and give him peace - in these and similar matters is an excellence and considered among one's refinements because it shows one's love for the Prophet and great attachment to him. However, if someone does not follow the Prophet - may Allah venerate him and give him peace - in matters such as these he is not considered to be a wrongdoer. This is because they are not part of His Law-giving, although by doing such acts there is a reward for one whose intention it is to follow the Prophet - may Allah venerate him and give him peace - and every desirable act one performs means a higher degree in Paradise, whereas the person who neglects such acts may not attain such rank.

Acts of this category are called desirable (mustahabb), manners (adab), or meritorious (ibid., 112).

@*Chapter 8.5.0: Unlawful Acts

@8.5.1 Unlawful in itself versus Unlawful because of an external-reason

(`Abd al-Wahhab Khallaf:) The unlawful is of two kinds. The first is that which is originally unlawful in itself. This means that the Sacred Law has forbidden it right from the outset. For example adultery, theft, prayer without ritual purity, marrying a member of one's unmarriageable kin while knowing them to be such, and the sale of animal that is already dead before it can be slaughtered Islamically, and so forth because they entail damage and harm. The prohibition applies from the outset of the act.

The second is the unlawful because of an external-reason. This means that the initial ruling of an act was that it was, either obligatory, recommended, or permissible, but a circumstance became linked with it that made it unlawful. For example, prayer performed in a stolen garment, or a sale in which there is fraud, or a marriage for which the sole purpose is to allow the woman to remarry her previous husband who has pronounced a threefold divorce against her, or fasting day after day without breaking the fast at night, or an unlawfully innovated divorce (def:19.2.3), and such unlawful acts because of an external circumstance. The prohibition is not due to the act itself, rather it is because of something extrinsic to the act; meaning the act is neither damaging nor harmful in itself, but something has happened to it and become conjoined with it that makes it entail damage or harm.

@8.5.2 One consequence of the above distinction is that an intrinsically unlawful act is uncountenanced by the Law to begin with, so it cannot be a legal cause or reason, or form the basis for further legal consequences. Rather, it is invalid because of this, prayer without ritual purity is invalid, marriage to a close unmarriageable relative when one knows them to be such, is invalid, and the sale of animal that is already dead before it can be slaughtered Islamically is invalid. And something legally invalid is without other legal effectiveness.

But an act that is unlawful because of an extrinsic circumstance is intrinsically lawful, and can thus be a legal reason and form the basis for further legal consequences, since its prohibition is accidental to it and not essential. Because of this a prayer while wearing a garment wrongfully taken is legally valid, though the person is guilty of serious sin for having taken it; a sale in which there is fraud is legally valid, though the buyer has the option to cancel the sale and return the merchandise for a full refund; and an unlawfully innovated divorce is legally effective.

The reason for this is that the prohibition of an act because of an extrinsic event or circumstance does not vitiate either the basis of its being a legal cause or its identity, provided all its integrals and conditions exist.

As for intrinsic unlawfulness, it negates the basis of an act being a legal cause and vitiates its identity by the nonexistence of one of its integrals or conditions, so that it is no longer something that is of legal consideration (ibid., 113-14).

@*Chapter 8.6.0: Dispensation (Rukhsa) and Strictness ('Azima)

@8.6.1 Strictness

(`Abd al-Wahhab khallaf:) Strictness is what Allah initially legislates, in general not for special circumstance or individual.

@8.6.2 Dispensation

Dispensation is when what is normally forbidden is made permissible because of necessity or need.

For example, if someone is forced to make a statement of unbelief (kufr) it is, in order to ease his hardship, made permissible for him to do so as long as his faith remains firm in his heart. Similarly, if someone is forced to break his fast in Ramadan, or forced to destroy the property of another; the normally prohibited act which he is forced to do becomes permissible for him in order to ease the hardship. It is also made permissible for someone forced by extreme hunger or severe thirst to eat from an unslaughtered dead animal or drink wine. The latter, according to the Shafi'i school of jurisprudence, is not permissible even under such conditions.

Dispensation also includes being permitted to omit an obligatory act when an excuse exists that makes its performance a hardship (dis: 8.7.2. second par.) upon the individual. Therefore, someone who is ill or traveling in during the month of Ramadan is permitted not to fast, and whosoever is travelling is permitted to shorten prayers of four units (rak'as) to only two units (ibid., 121-22).

@8.6.3 Interschool Differences Considered As Dispensations

Since it is permissible for a Muslim to follow any of the four Imams in any of his acts of worship, comparison of their differences opens another context from

discussing dispensation and strictness. A context in which classical scholars familiar with various schools often use the term "dispensation" to refer to the ruling of the school easiest on a particular legal question, and "strictness" to refer to the ruling of the school that is most rigorous. Which school this might be varies from question to question.

The following discusses how and when it is permissible for ordinary Muslims to use a dispensation by choosing to follow an easier ruling from another school. Then in section

8.6.5 the greater way of precaution (al-ahwat fi al-din) is discussed in which Muslims purposely select to follow the strictest school of thought on each legal question because of it being more precautionary and closer to warding of sin (taqwa).

@8.6.4 Conditions for Following Another School

Scholars frequently acknowledge that the difference of the Imams is viewed as a mercy, and their unanimity is a decisive proof. Shaykh `Umar Barakat, the commentator of 'GOVERNANCE OF THE TRAVELLER' UMDAT AL-SALIK', says, "It is permissible to follow each of the four Imams (may Allah be pleased with them), and it is permissible to follow one of them on a legal question, and follow a different school on another legal question. It is not obligatory to follow one particular Imam on all legal questions" (Fayd al-Ilah al-Malik (y-27), 1.357).

However, this does not imply that it is lawful to indiscriminately choose dispensations from each school, or that there are no conditions for the above mentioned permissibility. Imam Nawawi was asked for a formal legal opinion on whether pursuing dispensations in such a manner was permissible:

(Question:) "Is it permissible for someone of a particular school to follow a different school in matters that will be of benefit to him, and to seek their dispensations?"

He answered - may Allah be pleased with him - "It is not permissible to seek out dispensations" This means that it is unlawful, and the person who does so is corrupt (fasiq)], and Allah knows best (Fatawa al-Imam al-Nawawi (y-105), 113. The exceptions are when a person is forced by necessity or hardship to take such a dispensation even retroactively, and has made the intention to have follow another Imam's school of thought on the question, then there is nothing objectionable in it, provided that one's act of worship, together with its prerequisites, is valid in at least one of the schools. One may not simply piece together (taliq) constituent parts from various schools in a single act of worship, if none of the schools would consider the act valid.

For example, in the Shafi'i school when someone makes ablution and wets just a few hairs on his head his ablution is minimally valid. In the Hanifi school it is not. Thereafter the person prays behind an imam without himself reciting Al Fatiha

which is permitted by the Hanafis but not by the Shafi'is. His ablution, which is a prerequisite for his performance of the prayer is inadequate in the Hanafi school and his performance of the prayer is inadequate according to the Shafi'i school – the result is that neither schools consider his prayer valid, and this is correct.

Whosoever follows a ruling mentioned in this volume from another school of jurisprudence must observe the conditions given at w-14 and make sure his worship is valid in at least one school, which for prayer can best be achieved by performing all recommended measures in the present volume relating to purity, for example, e-5, e-11, and so on, as if obligatory.

@8.6.5 Way of Greater Precaution in Religion

A second way to use differences between schools is to take the way of greater precaution by following whosoever is most rigorous on a given question. For example, when performing the purifying bath (ghusl), rinsing the mouth and nostrils with water is a nonobligatory, Prophetic practice measure according to the Shafi'i school, but obligatory and necessary for the purifying bath's validity according to Hanafis.

The way of greater precaution is for the Shafi'i to perform it as diligently as if it were obligatory, even though omitting it is permitted by his school. `Abd al-Wahhab Sha'rani said, "My brother, when you first hear of the two levels of this scale, i.e dispensation and strictness, beware of jumping to the conclusion that there is absolute freedom of choice between them, such that an individual may without restriction choose either dispensation or strictness in any ruling he wishes. It is not fitting that a person able to perform the stricter ruling stoops to take a dispensation permissible to him. The more rigorous is always preferable in the Shafi'i school even when the dispensation is permissible.

For as you know my brother, I do not say that the individual is free to choose between taking the dispensation or taking the stricter ruling when he is able to perform the stricter ruling obligatory for him. I take refuge in Allah from saying such a thing, which is like making a game of religion. Of an absolute certainty, dispensations are only for someone unable to perform the stricter ruling, for in such a case, the dispensation is the stricter ruling in relation to him.

Moreover, I hold that sincerity and honesty demand of anyone who follows a particular school not to take a dispensation that the Imam of his school holds is permissible unless he is someone for whom it is a necessity, and that he must follow the stricter ruling of a different Imam when able, since rulings fundamentally refer back to the word of the Lawgiver, no one else; this being especially necessary when the other Imam's evidence is stronger, as opposed to the actions of some followers.

We find among the dictums of the Sufis that one should not follow a position in Sacred Law for which the evidence is weaker, except when religiously more precautionary than the stronger position.

For example, the Shafi'i opinion that a male's ablution is void by touching a girl who is a child or touching the nails or hair of a woman, though this position is considered weaker by them than the position given at e-7.3, it is religiously more precautionary, so performing ablution for the above-mentioned is better (al-Mizan al-kubra (y-1230,.10-11).

This is because more rigorous rulings necessarily meet the requirements of less rigorous ones, though not vice versa, following more rigorous rulings from another school is unconditionally valid, unlike following its dispensations, and Allah knows best.

@*Chapter 8.7.0: Things for which one may be held legally responsible

@8.7.1 Conditions of a Valid Legal Responsibility

'Abd al-Wahhab Khallaf said, "An act that is legally valid must have three conditions before it becomes the responsibility of an individual.

The first is that the act is well enough known to the individual in order that he can perform it in the way required of him.

It should be noted that the individual's knowledge of what he is responsible for means the possibility of his knowing it, not his actual knowledge of it. When a person reaches puberty and is of sound mind, and capable of knowing the rulings of Sacred Law by himself or by asking those familiar with them, then he is considered to know what he is responsible for, and rulings are carried out on him, their consequences exacted of him, and the excuse of being ignorant of them is not accepted from him.

The second condition is that it is known that the ruling has been imposed by someone who possesses the authority to do so and whose rules the individual is obligated to observe, since it is through this knowledge that the individual's will can be directed to obey him.

This is the reason that in any proof for a ruling of the Sacred Law the first point discussed is why it is legally binding for individuals.

The third condition is that the act the subject is responsible for be possible and within the capacity of the subject to either do or to refrain from. This condition in turn implies two things: first, that it is legally invalid to impose something impossible, whether impossible in itself or impossible because of another thing; and second, that it is invalid to ask that a particular individual be responsible for someone else's performing an act or refraining from one, since someone else's action or inaction is not within the individual's own capacity. Therefore, a person

is not responsible for his father's payment of the obligatory charity, his brother's performing the prayer, or his neighbor's refraining from theft. As regards others, all a person is obligated to do is to advise, to command the right and forbid the wrong, because these are things within his capability.

Nor is it legally valid to make a person responsible for various innate human states which are the results of natural causes that are not of the person's acquisition or choice, such as emotional arousal when angry; turning red when embarrassed; love, hate, grief, elation, or fear when reasons for them exist; digestion; breathing; being short or tall, black or white; and other innate traits with which people are born and whose presence or absence is subject to natural laws, not to the individual's will and choice, and which are thus beyond his capacity and not among the things possible for him.

If some primary texts have reached us that appear to show that there is responsibility for some of the things that are not within a person's capacity, these are not as they seem. For example, the order of the Prophet - may Allah venerate him and give him peace - "Do not become angry," is outwardly an order to refrain from something natural and unacquired, namely, anger when motives for it exist. However, the real meaning is control yourself when angry and restrain yourself from its bad consequences."

@8.7.2 Legal Responsibility Lifted by Hardship

From the condition that an act must be within the individual's capacity before he can be held accountable for it, one should not jump to the conclusion that this implies there will not be any hardship whatsoever for the individual in the act.

There is no contradiction between an act being within one's capacity and its being hard. Nothing a person is responsible for is completely free of hardship, since moral responsibility is being obliged to do that in which there is something to bear with, and some type of difficulty.

Hardship, however, is of two types. The first is that which people are accustomed to bear, which is within the limits of their strength, and were they to continue bearing it, it would not cause them harm or damage to their persons, possessions, or other concerns.

The second is that which is beyond what people are accustomed to bear and impossible for them to continually endure because they would be cut off, unable to go on, and damage and harm would affect their persons, possessions, or one of their other concerns.

Examples include fasting day after day without breaking it at night, a monastic life, fasting while standing in the sun, or making the pilgrimage on foot. It is a sin

for someone to refuse to take a dispensation and insist on the stricter ruling when this will probably entail harm (‘Ilm usul al-fiqh (y-71), 128-33).

@*Chapter 8.8.0: Who May Be Held Legally Responsible

@8.8.1 Intellect and Puberty

‘Abd al-Wahhab Khallaf said, “Two conditions must exist in an individual for it to be legally valid to hold a person responsible.

The first condition is that he is able to understand the evidence that he is responsible for something, such that it is within his capacity to understand legal texts from the Koran and Prophetic practice by which the ruling is imposed, whether by himself or through another (dis: 7.5.1). Since human reason is something hidden, unobservable by outward sense perception, the Lawgiver has conjoined responsibility for rulings with something manifest and perceptible to the senses from which reason may be inferred, namely, puberty.

Whosoever reaches puberty without showing signs of impaired intellectual faculties, his capacity for responsibility exists. And conversely, neither an insane person nor child are responsible, because of their lack of intellect, which is the means of understanding the evidence that something is a ruling. Nor are those responsible who are in a state of absentmindedness or sleep, because while they are heedless or asleep it is not within their capacity to understand. The Prophet - may Allah venerate him and give him peace - said, "The pen has been lifted from three: the sleeper until he awakens, the child until his first wet dream, and the insane person until he can reason."

The second condition is that he be legally eligible for the ruling. Eligibility is of two types, eligibility for obligation, and eligibility for performance."

@8.8.2 Eligibility for Rights and Duties

Eligibility for obligation is the capacity of a human being to have rights and duties. This eligibility is established for every person by the fact of being human, whether male, female, fetus, child, of the age of discrimination, adolescent, intelligent, foolish, sane or insane, healthy or ill; because its basis is an innate attribute found in man. Every human being, whosoever he or she may be, has eligibility for obligation and none lacks it because one's eligibility for obligation is one's humanness.

There are only two human states in relation to eligibility for obligation, namely, partial and full. One could have partial eligibility for obligation by being entitled to possess rights over others but not have obligations towards them, like a fetus in its mother's womb, which has rights, since it can be an heir, inherit a bequest, and the proceeds of an endowment (waqf) can accrue to it, but it does not have any obligations to others. Full eligibility for obligation means a person has rights upon others and obligations towards them. Every human being acquires it at birth.

@8.8.3 Eligibility for Acts of Legal Consequence

Eligibility for performance is the capacity of an individual for words and actions that are legally significant, such that if an agreement or act proceeds from him, it legally counts and entails the rulings applicable to it.

If he prays, fasts, makes the pilgrimage, or does anything obligatory; it is legally acknowledged and discharges the obligation. And if he commits a crime against another's person, possessions, or honor, he is held accountable for his crime and is bodily or financially penalized.

So eligibility for performance is responsibility, and its basis in man is intellectual discrimination.

There are three states which a person may have in relation to eligibility for performance:

1. A person could completely lack or lose eligibility for performance, like a young child during his childhood or an insane person during his insanity (regardless of his age), neither of whom has eligibility for performance because they lack human reason, and for neither of whom are there legal consequences entailed by their words or actions. Their agreements and legal dispositions are null and void, the limit of which is that if either of them commits a crime against another's person or possessions, he is responsible for paying the indemnity out of his own property, but not subject to retaliation in his own person. This is the meaning of the scholars' expression, "The intentional act of a child or insane person is an honest mistake."

2. A person could have partial eligibility for performance, an example of which is the child who has reached the age of mental discrimination (14.1.2) but not puberty (16.13.8), or the retarded person, who is not disturbed in intellect nor totally bereft of it, but rather is weak-minded and lacking in intellect, so that the Sacred Law treats him as it does the child with discrimination. This is because each of these two possesses the basis of eligibility for performance by the fact of having discrimination, those of their legal actions which are absolutely beneficial to them, such as accepting gifts or charity, are valid without their guardian's permission.

As for those of their legal actions which are wholly harmful to them, such as giving donations or waiving their rights to something, these are not in any way valid, even with the guardian's permission.

The gift, bequest, endowment, and divorce of such persons are not valid, and the guardian's permission is irrelevant to these actions. The legal actions of the child with discrimination or the retarded person which are between absolute benefit and absolute harm to him are valid, but only on condition that the guardian gives

his permission for them. If the guardian gives permission for the agreement or disposition, it is implemented, and if he does not permit it, the action is invalid.

3. Or a person could have full eligibility for performance by the fact of having reached puberty sound of mind.

Events, however, may befall this eligibility. They include those that happen to a person without affecting his eligibility for performance by eliminating or diminishing it, but which alter some rulings concerning him because of considerations and interests that arise through these events, not because of loss or lessening of eligibility for performance.

Examples include the foolhardy and the absentminded person. Both have reached puberty with normal intelligence and have full eligibility for performance, but to protect their own property from loss and prevent them from becoming a financial burden on others, they are declared legally incompetent in financial dealings such that neither their financial transactions nor donations are valid. This is not because of a lack or lessening of their eligibility for performance, but rather to protect their own property. A debtor has likewise reached puberty with normal intelligence and possesses full eligibility for performance, but to protect the rights of his creditors, he is declared legally incompetent to make transactions with his money that infringe on the rights of his creditors, such as charitable donations (‘Ilm usul al-fiqh (y-71) 134-40).

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INTRODUCTION

The rulings in this book on criminal justice apply only to Muslims living in an Islamic country, or if Muslims succeeded to incorporate the Islamic ruling into the political system outside Islamic country. It is presented to illustrate the value of the Islamic judicial system to western courts and magistrates, to invite them to adopt Islamic fair ruling, also to educate and inform Muslims of the Islamic serious consequences and penalties for crimes, that they are obligated to uphold in any time and place regardless if the place is ruled by Islam or not.

It's relevance and value to Muslims residing outside Islamic countries is its warning that although they are not punished by the Islamic judicial system, they will most certainly be subjected to spiritual punishment in the Hereafter which is far more stern.

It is also acts as a warning not to follow practices, such as fornication and adultery, gambling and drinking that are the "norm" and commonplace in western society.

@*Chapter 9.1.0: WHO IS SUBJECT TO RETALIATION FOR INJURIOUS CRIMES:

@ Injurious crimes include not only those committed with injurious weapons, but those inflicted in other ways, such as with sorcery (x-136).

Allah, the Most High says:

“... and that you shall not kill the soul that Allah has forbidden except by right.” (Koran 6.151),
and,
“Believers, retaliation is decreed for you concerning the killed.” (Koran 2.178).

Killing without right is, after disbelief, one of the very worst major sins. In his book “The Epitome” Imam Shafi`i explicitly quotes the Prophet - may Allah venerate him and give him peace – as saying:

“The blood of a Muslim man who testifies that there is no god except Allah and that I am the Messenger of Allah is not lawful to shed unless he is one of three. An adulterer, someone killed in retaliation for the killing of another, or some-one who abandons his religion and the Muslim nation.”

The Prophet, may Allah venerate him and give him peace – says in another quotation (Ahadith):

“The killing of a believer is more heinous in the Sight of Allah than doing away with all of this world.”

“Believers, retaliation (or its compensation) is decreed for you concerning the killed. A free (man) for a free (man), a slave for a slave, and a female for a female. He who is pardoned by his brother, let the ensuing be with kindness, and let the payment be with generosity. This is an alleviation from your Lord and mercy. He who transgresses thereafter shall have a painful punishment. (2.178)

@9.1.1 Retaliation is obligatory for intentional killing etc:

Retaliation is obligatory against anyone who kills a human being purely intentionally and without right.

“Intentionality” is a first restriction and excludes killing someone through an honest mistake.

“Purely” excludes a mistake made in a deliberate injury (9.2.3),

“Without right” excludes cases of justifiable homicide such as lawful retaliation.

@9.1.2 Those not subject to retaliation:

The following are not subject to retaliation – however does not wave the punishment in here after when applicable - :

1. There is no retaliation upon a child or insane person, under any circumstances no matter whether Muslim or non-Muslim.

As far as retaliation upon a person who who suffers from “intermittent insanity” is based on his mental condition, therefore when he is in state of insanity, he is considered insane, and when he is not, he is considered sane.

If a person subject to obligatory retaliation becomes insane after the crime the full penalty is nevertheless exacted.

If a drunk person takes the life of another, he is considered as a sane person, just as he would be if he pronounced divorce while in a drunken state (dis: 19.1.2);

2. A Muslim for killing a non-Muslim;

3. A Jewish or Christian subject of an Islamic state for killing an apostate from Islam, this is because they are subjects of the state and are under its protection, while killing an apostate from Islam is without consequence;

4. A father or mother (or their parents) for killing their children, or the children's children.

5. a descendant is not subject to retaliation for killing someone whose death is subject to retaliation, for example when his father killed his mother.

@*Chapter 9.2.0: INTENTION IN INJURIOUS CRIMES

@9.2.1 All types of injurious crimes, no matter whether it is killing or something less, are classified into three types:

1. an honest mistake;
2. a mistake made in a deliberate injury;
3. or purely intentional.

@9.2.2 Honest mistake

An "honest mistake" is an act such as shooting an arrow at a wall and hitting a person, or shooting at a person and hitting someone else, or slipping from a height and falling on someone.

The criterion for an "honest mistake" is either that the act is intended but not the person, or, neither the act nor the person is intended.

@9.2.3 Mistake made in a deliberate injury

A mistake made in a "deliberate injury" is when one intends an injury that is not generally fatal, such as hitting someone with a light stick in a non-vital area from which the person dies and the like.

@9.2.4 Purely intentional

"Purely intentional" means, to intend an injury of the type that is generally fatal, whether with a blunt instrument or one that is sharp.

@*Chapter 9.3.0: RETALIATION FOR BODILY INJURY OR DEATH (Qisas)

"Believers, retaliation is decreed for you concerning the killed. A free (man) for a free (man), a slave for a slave, and a female for a female. He who is pardoned by his brother, let the ensuing be with kindness, and let the payment be with

generosity. This is an alleviation from your Lord and mercy. He who transgresses thereafter shall have a painful punishment. (2.178)

@9.3.1 Retaliation is obligatory, (A: if those entitled wish to take it (dis: 9.3.8)) when there is a purely intentional injury (9.2.4) against life or limb.

@9.3.2 Retaliation

When retaliation for an injury is sought only the identical afflicted part of the body is subject to be retaliated against, such as a right hand for a right hand, but not a right hand for a left hand etc. The retaliation must not exceed the extent of the original injury.

Regarding non-fatal bullet wounds, for example to the stomach or chest, they are not subject to physical retaliation because such injuries cannot be reproduced without risk of greater damage than the original injury and are therefore subject for compensation (dis: 04.15) alone. If a bone is broken that is also subject to compensation rather than retaliatory measures.

Nor is there retaliation for nonfatal bullet wounds in the stomach or chest, for example, because such injuries cannot be reproduced without risk of greater damage than the original, for which reason they call for a compensation (dis: 9.4.15) alone. There is no retaliation for breaking a bone though payment is due to cover the cost of treatment and so forth.

@9.3.3 Who can retaliate:

Females are entitled to retaliate against males, children against adults, and lower class people against upper class no matter whether the retaliation is a life for a life, or limb for a limb.

@9.3.4 Caliph's presence necessary during retaliation:

It is not permissible to exact retaliation against someone without the presence of the caliph (9.25) or his representative because it is necessary to have the permission of one of them on account of the danger and lack of knowledge involved in exacting retaliation oneself.

Retaliation requires the judgment and personal reasoning of a ruler. If someone takes retaliation without the caliph's permission, then it is valid, but the person who took it is disciplined (9.17) for carrying out the caliph's prerogative, since administering retaliation is one of his functions.

However, if a person who is entitled to retaliate is able to do so proficiently, meaning he is strong and knows how to carry it out, it is permissible. However, if this is not the case then he is ordered by the ruler or his representative to have another carry it out by his commissioned agent".

@9.3.5 When more than one are entitled to retaliate against one offender:

If two or more people are entitled to exact retaliation against an offender, it is not permissible for just one of them to insist on doing so. However, if they choose one of themselves to exact the punishment, this is permissible, and the one chosen is considered as the other's commissioned agent.

The parties may not take retaliation together, as this would amount to torturing the person being retaliated against. If each insists that he be the one to exact the punishment they must draw lots to see who will do it.

@9.3.6 No retaliation against a pregnant women until after giving birth
There is no retaliation against a pregnant woman until she has given birth and the infant is able to suffice with another's milk.

@0-3.7 Retaliation upon from who cut another person hand then kills him
The retaliation will be the same by cutting his hand then killing him.

@9.3.8 Forgoing retaliation
Whenever someone who is entitled to exact retaliation decides instead to forgive the offender and take from them compensation (9.4), then retaliation is no longer applicable, and the deserving person is entitled to the compensation.

If some of a group of people who are entitled to retaliate agree to forgo it, as when a murder victim has children and one of them forgives the murderer, then retaliation is no longer obligatory, and the group deserves compensation from the offender, or the compensation may be waived.

@9.3.9 When an offender kills a group of people:
When someone kills a group of people or maims them one after another, retaliation is exacted for the first individual attacked, and the others are subject to be compensated.

If the offender injures them all at once, then those entitled to retaliate against him draw lots to determine who will do so.

@9.3.10 When a group kills someone:

When a group of people murder a single person, they are all killed in retaliation, no matter whether the amount of injury inflicted by each upon the victim is the same or whether it differs.

@9.3.11 Retaliation upon two inflictors of injury or one inflictor and a killer.

If a person inflicts an injury on another person, then followed by a person who again inflicts or kills. We examine the killing-injury impact, so those injuries which cause killing, their doer is treated as killer. Otherwise, he is considered an inflictor of injury not a killer. Retaliation is carried upon the killer.

@9.3.12 An intentional killer who kills the wrong person

There is no retaliation against anyone for an injury or death caused by someone who intentionally killed, but the wrong person. However if the act of killing was conducted in junction with another person then that person is subject to retaliation.

When an injurious crime is caused by a non-family member in cooperation with the victim's father, retaliation is only taken against the non-family member (dis: 9.1.2(4)).

@9.3.13 Retaliation of wounds

Retaliation is also obligatory (dis: 9.3.8) for every wound that cuts to the bone, such as a cut on the head or face that reaches the skull, or a cut to the bone in the upper arm lower leg, or thigh.

“To the bone” means that it is known that a knife or similar reached the bone, not that the wound actually exposes the bone to view.

@*Chapter 9.4.0: COMPENSATION (Diya)

@ The rulings below concern the maximum that the victim or victim's family may demand. If both sides agree on a compensation of lesser amount, or nothing at all, this is legally valid and binding.

@9.4.1 Retaliation or Compensation:

Retaliation is obligatory, though it may be pardoned only by the killer's family, then Compensating them becomes obligatory for categories:

1. an honest mistake (9.2.2) '
2. a mistake made in a deliberate injury (9.2.3);
3. intentionality, if those entitled to retaliate agree to forgo retaliation (dis: 9.3.8).

@9.4.2 Compensation for killing a male Muslim

The compensation for killing a male Muslim is 100 camels.

Shafi'i scholars converted the herd equivalents to gold dinars, a dinar being equal to 4.235 grams of gold (dis: w-15). The amount due in the rulings below being the weight of the gold, regardless of its current market value.

The stronger position in the Shafi'i school is that compensation should be reckoned in camels, after which both parties may agree on a lesser amount or another form of payment.

@9.4.3 Compensation for a purely intentional killing

The compensation is made severe for cases of purely intentional homicide (9.2.4) in three ways:

- (a) it must be paid immediately;
- (b) it is due from the offender himself;
- (c) and the amount paid is 1,333.3 gold dinars which is equal to 5,646.6 grams of gold, or else, 30 four year old she-camels, 30 five year old she-camels and 40 pregnant she-camels.

@9.4.4 Compensation for death by mistake in a deliberate Injury:

When the killing is a mistake made in a deliberate injury (def:9.2.3), the compensation is only made severe in one respect, namely, that the payment consists of the three types of camel mentioned above or 5,646.6 grams of gold, but when it is less severe then:

- (a) payment is deferred (9.4.11);
- (b) and is due from those of the offender and extended family who are required to pay ('aqila, def: 9.4.10).

@9.4.5 Compensation for a death caused by an honest mistake

When the killing occurred through an honest mistake (9.2.2), the compensation is less severe in three ways:

- (a) payment is deferred;
- (b) it is due from those of the offender and extended family who are required to pay (9.4.10);
- (c) and the amount paid is 1,000 gold dinars which is equal to 4,235.0 grams of gold or: 20 two year old she-camels, 20 three year old she-camels and 20 three year old he-camels, 20 four year old she-camels, and 20 five year old she-camels.

@9.4.6 Conditions when maximum is paid regardless whether or not the killing was intentional:

No matter whether the killing was a mistake or intentional, the three types of camel compensation (9.4.3(c)) must be paid if the person killed was:

1. an unmarriageable kin by birth relative of the killer (17.6.1(1-8) and 17.6.2(1-6)) :
2. slain in the Sacred Precinct in Mecca:
2. or killed during one of the Sacred Months of Thul Qa`da, Thul Hijja, Muharram, or Rajab.

@9.4.7 Defective animals may not constitute payment.

@9.4.8 Payment in other than camels is permissible 9.4.8

If both parties are agreeable it is permissible for the deserving recipients to accept payment other than camels.

@9.4.9 Compensation for other than male Muslims:

For the rulings below, multiply the fraction named by the compensation appropriate to the death or injury according to the offender's intention and other relevant circumstances that determine the amount of a male Muslim's compensation (9.4.2-6 and 9.4.13).

The compensation for the death or injury of a woman is one-half the compensation paid for a man.

The compensation paid for a Jew or Christian is one-third of the compensation paid for a Muslim. Whereas, the compensation paid of a Zoroastrian is one-fifteenth of that of a Muslim.

When a miscarriage is the result of someone having struck the stomach of a pregnant woman, or another part of her, or when someone frightens her and it results in her miscarrying, the compensation for the fetus is a male or female slave worth one-twentieth of the compensation payable for killing the fetus's father, or one-tenth that of its mother. The compensation is whatever they agree upon.

@9.4.10 Which extended family members are liable to pay:

The members of the offender's extended family who are liable for certain kinds of compensation consist of the offender's universal heirs, excluding his father, paternal grandfather (and on up), his son, son's son (and on down), that is all those mentioned in 23.10.6 (7-14).

There is no obligation upon those of the extended family who are poor, "poor" meaning someone who has enough for himself but no more, the prepubescent, or insane to pay anything in conjunction with the other family members.

If a Muslim offender has non-Muslim relatives there is no obligation upon them to pay the compensation. The same applies if an offender is a non-Muslim there is no obligation upon his Muslim relatives to pay the compensation.

@9.4.11 When and how much each pays

When there is an obligation upon the extended family to pay the compensation, they must pay the entire compensation of 100 camels (or the gold equivalents) within three years.

There is an obligation upon each well-off extended family member to pay one-half dinar, meaning 2.1175 grams of gold, at the end of each year, while it is obligatory upon every member who is between affluence and poverty to pay a quarter dinar which is 1.05875 grams of gold. If, after three years, any of the compensation remains to be paid, or if the offender has no family to pay the compensation, it is paid by the Islamic treasury (Bayt al-mal). If there is none, the offender himself must pay.

@9.4.12 Time in which lesser indemnities may be paid

When the compensation due is less than a full compensation which means that which is due for a Muslim male (9.4.2-6)), as when it is for a wound, miscarriage, female, or a Jewish or Christian subject of the Islamic state, then:

1. if it consists of one-third or less of a full compensation, it must be paid within one year;
2. if it consists of two thirds or less of a full compensation, then one third must be paid in the first year, and the rest in the second year;
3. and if it amounts to more than two-thirds of a full compensation, then the two-thirds must be paid within two years and the rest in the third year.

@9.4.13 Compensation for Bodily Injuries

Every limb that has a value and beauty if it is injured by cutting it, then a 'full recomensation' is due, exactly as if the owner of the limb was killed. (9.4.2-6, 9.4.9).

The same is due for each pair of limbs: if both are cut off, a full compensation is paid, while if only one is cut off, then half the full compensation. The same is true for the faculties of sense, (i.e. hearing): for each faculty the injury eliminates, there is a full compensation.

A full compensation is paid for cutting off two ears, and a half compensation for one. This same applies for a pair of eyes, lips, jaws, hands, feet, buttocks, testicles, eyelids, the nipples of a female, vulva labia, the soft part of the nose, the tongue, head of the penis, or the whole penis.

A full compensation is also paid for injuries which paralyze these members, or for injuring the peritoneal wall between vagina and rectum so they become one aperture, or for flaying a person, breaking his back, or eliminating the use of his mind, hearing, vision, speech, sense of smell, or taste.

@9.4.14 Compensation for fingers and teeth:

The compensation for each finger is ten camels, and five for each tooth (or 10 and 5 percent respectively of the equivalent gold values (9.4.3-5), depending on the relevant circumstances (dis: 9.4.9).

@9.4.15 Compensation for bodily wounds:

As for wounds on the body, their compensation consists of a fraction of the full compensation proportionate to the extent of the damage determined by the calculation of the Islamic magistrate.

@9.4.16 Compensation for wounds to the head or face:

The compensation for wounds to the head or face, when not to the bone, is also such a proportionate fraction, though if such wounds are to the bone, as mentioned above (9.3.13), the compensation is five camels (dis: 9.4.14).

For the sake of brevity other injuries for which compensation is due have been omitted.

@9.4.17 Compensation for killing non-Muslims at war with Muslims, apostates etc:

Compensation is neither obligatory for killing a non-Muslim at war with Muslims (harbi), nor someone who has left Islam, nor someone sentenced to death by stoning (9.12) because they have been convicted by the court, or those it is obligatory to kill by military action.

@*Chapter 9.5.0: Expiation to Allah for Taking a Human Life

@9.5.1 Expiation is due for any impermissible killing:

An expiation is due to Allah, the Most High from anyone who kills someone unlawful to kill, whether the killing is through a mistake or is intentional, and no matter whether retaliation (9.3) or a compensation (9.4) is obligatory or not.

@9.5.2 Expiation:

The expiation consists of freeing a slave (16.32), or if one cannot, then the expiation is that of two consecutive months of fasting.

There is no difference in the order of precedence whether the killer is legally accountable or not, as when he is a child or insane, in which case the guardian must free a slave on his behalf. However, if a child fasts the expiation is fulfilled.

@9.5.4 Expiation for killing those who leave Islam. etc.

There is no expiation for killing someone that has left Islam, a highwayman (9.15). or a convicted married adulterer, even when someone besides the caliph kills him.

@*Chapter 9.6.0: FIGHTING THOSE WHO REBEL AGAINST THE CALIPH

@9.6.1 Fighting regardless whether the Caliph is just or unjust

When a group of Muslims rebel against the caliph (khalifa, def: 9.25) in armed insurrection and want to overthrow him, or refuse to fulfill an obligation imposed by the Sacred Law, such as the payment of the obligatory charity (zakat), the caliph sends someone to them and redresses their grievances if possible.

The Grand Shaykh, Imam Nawawi citing the consensus of Muslims (ijma def:7.7) says in his commentary on Sahih Muslim that it is unlawful to either revolt or fight against a caliph even if they are corrupt.

If those who oppose the caliph adamantly refuse to obey him, no matter whether he is just or unjust, the caliph fights them with military weaponry that does not cause general destruction and neither uses fire nor missiles. The aim of the caliph is to suppress the opposition not to destroy them, and he neither pursues those who retreat, nor kills the wounded.

@9.6.2 There is no financial responsibility on either side for the destruction sustained in such military action.

@9.6.3 MY REWRITE OF 2ND PARAGRAPH

Those who rose up against the Caliph are still subject to Islamic law because they have not committed an act that can be considered as one that expelled them from having left Islam, they are still considered to be Muslim. Neither are such people considered morally corrupt, but rather their understanding is mistaken. Therefore, the decisions of their Islamic judge are considered legally effective, provided he does not declare the lives of upright Muslims (9.24.4) to be justly forfeitable.

ORIGINAL PARAGRAPH

They are subject to Islamic laws (because they have not committed an act that puts them outside of Islam that they should be considered non-Muslims. Nor are they considered morally corrupt, for rebels is not a pejorative term, but rather they merely have a mistaken understanding), and the decisions of their Islamic judge are considered legally effective (provided he does not declare the lives of upright Muslims (9.24.4) to be justly forfeitable) if they are such as would be effective if made by our own judge.

@9.6.4 If they do not rebel by war, the caliph may not fight them.

@*Chapter 9.7.0: WARDING OFF AGGRESSORS

@9.7.1 Obligation of self-defense

If a Muslim tries to kill a fellow Muslim then Muslim is entitled to kill his aggressor, however, it is not obligatory.

If a non-Muslim or animal tries to kill a Muslim there is an obligation upon the Muslim to defend himself.

@9.7.2 Defense of property

If an aggressor is trying to take one's money or property, it is permissible to defend it but not obligatory. If the aggressor intends harm to one's womenfolk, such as one's wife, son's wife, or daughters it is obligatory to defend them.

@9.7.3 Minimal force:

"To defend" means to use the minimum amount of force required. If one knows that shouting will repel the aggressor, one may not strike him. If a hand is enough, a stick may not be employed. If a stick will do, a sword may not be used. If cutting the other's hand will suffice, one may not kill him.

Mawardi states that this precedence order is for crimes that are not indecencies. If someone is raping a member of the household, then it is permissible to kill him.

Someone who knows, that is that he believes an aggressor cannot be dissuaded by anything short of killing him may kill him and is not held accountable.

@9.7.4 When one has ward off an aggressor, it is unlawful to take further measures against him.

@*Chapter 9.8.0: APOSTASY FROM ISLAM (Ridda)

@ Leaving Islam is not only the ugliest form of disbelief (kufr) but the worst. It may come about through making fun, as when someone is told, "Trim your nails, it is Prophetic practice," and he replies, "I would not do it even if it is Prophetic practice" as opposed to when some circumstance exists which exonerate him of having committed apostasy. For example, when his tongue mispoke or when he is quoting someone, or says it out of fear.

@9.8.1 Whosoever voluntarily leaves Islam is killed
When a person who has reached puberty and is sane voluntarily apostatizes from Islam, he deserves to be killed.

@9.8.2 Apostates must first be asked to return to Islam
In such a case, it is obligatory for the caliph or his representative to ask him to repent and return to Islam. If he does, it is accepted from him, but if he refuses, he is killed immediately.

@9.8.3 Only caliph may kill an apostate
If the apostate is a freeman, no one besides the caliph or his representative may kill him. If someone else kills him, the killer is disciplined (9.17) because he has taken upon himself the rights and duty of the caliph.

@9.8.4 Compensation or expiation for killing an apostate 9.8.4
There is neither compensation nor expiation for killing an apostate.

@9.8.5 If a person apostatizes from Islam and returns several times, his testifying of faith is accepted (9.8.7(12)) from him, though he is disciplined (9.17).

@9.8.6 When a wife apostatizes
If a wife in a consummated marriage apostatizes from Islam, the couple is separated for a waiting period consisting of three intervals between menstruations. If the wife returns to Islam before the waiting period ends, the marriage is not annulled but is considered to have continued the whole time (dis: 17.7.4).

@9.8.7 Acts that Entail Leaving Islam
Among the things that entail apostasy from Islam (may Allah protect us from them) are:

1. to prostrate to an idol no matter whether making fun, out of contrariness, or in actual conviction, or belief that the Creator is something that originated in time. Idols include such things as the sun or moon or anything that is bowed or prostrated before.
2. to intend to commit disbelief, even if in the future. And like this intention is hesitating whether to do so or not: one thereby immediately commits the act of disbelief;
3. to speak words that imply disbelief such as "Allah is the third of three," or "I am Allah" - unless by the slip of one's tongue, or one is quoting another, or is one of the friends of Allah, the Most High (wali, def: w-33) in a spiritually intoxicated state of total oblivion for these do not constitute disbelief;
4. to revile Allah or His Messenger - may Allah venerate him and give him peace ;
5. to deny the existence of Allah, His beginningless eternity, His endless eternity, or to deny any of His attributes which the consensus of Muslims ascribe to Him (dis: 24.1);
6. to be sarcastic about the Name of Allah, His command, His interdiction, His promise, or His threat;
7. to deny any verse of the Koran or anything, which by scholarly consensus (7.7) belongs to it, or to add a verse that does belong to it;
8. to mockingly say, "I don't know what faith is";
9. to reply to someone who says, "There is no power or strength except through Allah"; with the response "Your saying there's no power or strength, etc, won't save you from hunger";
10. for a tyrant, after an oppressed person says, "This is through the decree of Allah," to reply, "I act without the decree of Allah";
11. to say that a Muslim is an unbeliever (kafir) (dis: w-47) in words that are uninterpretable as meaning he is an ingrate towards Allah for divinely given blessings;
12. a Muslim who refuses to teach a non-Muslim who asks to be taught the words of the witnessing of faith (Shahada), "La ilaha ill Allahu Muhammadun rasulu Llah", meaning, there is no god except Allah, Muhammad is the Messenger of Allah.
13. to describe a Muslim or someone who wants to become a Muslim in terms of disbelief (kufr);
14. to deny the obligatory character of something, which by the consensus of Muslims (ijma`, def: 7.7) is part of Islam, such as the prayer (salat) or even one rak'a from one of the five obligatory prayers, if there is no excuse (5.2.4);
15. to hold that any of the messengers of Allah or His prophets are liars, or to deny their being sent;
16. `Ala' al-din' Abidin added: to revile the religion of Islam;
17. to believe that things in themselves or by their own nature have any causal influence independent of the will of Allah;
18. to deny the existence of angels or jinn (w-22), or the heavens;
19. to be sarcastic about any ruling of the Sacred Law;

20. or to deny that Allah intended the Prophet's message - may Allah venerate him and give him peace - to be the religion followed by the entire world (dis: w-4.3-4) (al-Hadiyya al-'Ala'iyya (y-4), 423-24).

There are others, for the subject is nearly limitless. May Allah, the Most High save us and all Muslims from it.

@*Chapter 9.9.0: JIHAD

Jihad means to war against non-Muslims, and is derived from the word "mujahada" signifying warfare to establish the religion, and it is the lesser jihad.

The greater jihad, it is spiritual warfare against the lower self (nafs), which is why the Prophet - may Allah venerate him and give him peace - said as he was returning from jihad:

"We have returned from the lesser jihad to the greater jihad."

The scriptural basis for jihad, prior to scholarly consensus (7.7) is found in such Koranic verses as:

1. "(Offensive) fighting is obligatory for you" (Koran 2.216);
2. "And fight against the unbelievers all together as they themselves fight against you all together" (Koran 9.36);

and such Prophetic quotations (Ahadiths) as the one related by Bukhari and Muslim that the Prophet - may Allah venerate him and give him peace - said: "I have been commanded to fight people until they bear witness that there is no god except Allah and that Muhammad is the Messenger of Allah, and perform the prayer, and pay the obligatory charity (zakat). If they say it, they have saved their blood and possessions from me, except for the rights of Islam over them. And their final reckoning is with Allah";

and the Prophetic quotation (Ahadith) reported by Muslim:

"To go forth in the morning or evening to fight in the path of Allah is better than the whole world and everything in it."

Details concerning jihad are found in the accounts of the military encounters of the Prophet - may Allah venerate him and give him peace - including his own martial raids and those on which he dispatched others. The former consist of the ones he personally attended, which numbered either twenty-seven or twenty-nine.

The Prophet - may Allah venerate him and give him peace - fought in eight of encounters, and killed only one person, namely Ubayy ibn Khalaf, with his noble hand at the battle of Uhud.

@9.9.1 The Obligatory character of Jihad

Jihad is a Communal obligation (8.3.2). When enough people engage in jihad to accomplish it successfully, it is no longer obligatory upon others the evidence for which is the Prophet's saying - may Allah venerate him and give him peace -

"He who provides the equipment for a soldier in jihad has himself performed jihad,"

and Allah, the Most High said:

"Believers who stay behind, having no injury, are not equal to those who fight in the way of Allah with their wealth and their souls. Allah has preferred those who fight with their wealth and their souls a degree above those who stay behind (because of sickness). Yet to each, Allah has promised the most excellent (Paradise). And Allah has preferred those who fought over those who stayed behind with a great wage." (Koran 4.95)

When able-bodied men are called upon to engage in jihad - regardless whether or not it actually occurs - do not participate each and everyone who is aware that it is obligatory to take part in the jihad is guilt of sin

After the Prophet's migration to Medina jihad became a Communal obligation.

As for subsequent times, there are two possible states in respect to non-Muslims. The first is when they are in their own countries, in which case jihad (9.9.8) is a Communal obligation, and this is what our author is speaking of when he says, "Jihad is a Communal obligation," meaning upon the Muslims each year. The second state is when non-Muslims invade a Muslim country or near to one, in which case jihad is personally obligatory (8.3.2) upon the inhabitants of that country, who must repel the non-Muslims with whatever they can).

@9.9.2 When jihad is a personal obligation

Jihad is obligatory upon all those present in the battle lines and it is a major sin to flee from a battle. However, if a person does not take part on account of illness or the death of one's mount when unable to fight on foot, or because one no longer has a weapon, then one may leave. One may also leave if the opposing non-Muslim army is more than twice the size of the Muslim force.

@9.9.3 Surrender when overrun

Jihad is also obligatory upon every able person, men, women, old and young when the enemy has surrounded Muslims territory, even if the land consists of ruins, wilderness, or mountains. This is because non-Muslim forces entering Muslim lands is a weighty matter that cannot be ignored, and must be met with effort and struggle to repel them by every possible means if they have sufficient provisions and weaponry to defend themselves. If this is not the case and the enemy has already overcome and a Muslim encounters a non-Muslim and fears for his life if he is captured then he must defend himself. However, if he is uncertain whether or not he will be killed or just taken captive he has the option to either fight or surrender.

A woman also has the choice either to fight or to surrender as long as she is certain that she will not be subject to an indecent act if captured. If she is

uncertain whether or not she will be safe then she is obligated to fight and surrender is not permissible.

@9.9.4 Those obligated to fight in Jihad

Those called upon to fight are every able bodied man who has reached puberty and is sane.

@9.9.5 Those not permitted to fight

The following may not fight in jihad:

1. Someone in debt, unless his creditor gives him leave;
2. or someone with at least one Muslim parent, until they give their permission; unless the Muslims are surrounded by the enemy, in which case it is permissible for them to fight without permission.

@9.9.6 Caliph's permission

It is offensive to conduct a military expedition against hostile non-Muslims without the caliph's permission, although if there is no caliph (9.25), no permission is required.

@9.9.7 Non-Muslim allies

Muslims may not seek help from non-Muslims allies unless the Muslims are considerably outnumbered and the allies have goodwill towards the Muslims.

@9.9.8 Objectives of Jihad

The caliph (9.25) makes war upon Jews, Christians (Nazarenes), and Zoroastrians provided he has first invited them to enter Islam in faith and practice, and if they will not, then invited them to enter the social order of Islam by paying the non-Muslim poll tax (jizya, def: 9.11.4). Their circumstances remain as such until they either become covert to Islam or continue paying the non-Muslim poll-tax.

Allah, the Most High says:

“Fight those who neither believe in Allah nor the Last Day, who do not forbid what Allah and His Messenger have forbidden, and do not embrace the religion of the truth, being among those who have been given the Book, until they pay tribute out of hand and have been humiliated. (Koran 9.29),

After the final coming of Prophet Jesus, nothing but Islam will be accepted from them, that is because the taking of the poll tax is only effective until Jesus' descent - peace be upon him, and this has been Divinely revealed in the Law of Prophet Muhammad - may Allah venerate him and give him peace.

The final coming of Jesus does not constitute a separate Divinely revealed law, he will rule with the law of Prophet Muhammad – may Allah venerate him and give him peace - because he said:

“Authority among the Children of Israel was exercised by prophets. When a prophet died, he was succeeded by another prophet. I will not be succeeded by a prophet, but there will be caliphs after me, a large number of them.” He as asked, “I am the last, there will be no prophet after me,”

this does not contradict the final coming of Jesus – peace be upon him - since he will not rule according to the Evangel, but as a follower of our Prophet - may Allah venerate him and give him peace.

@9.9.9 Regarding others:

The caliph fights all other peoples until they become Muslim because they are not a people with a Book, nor honored as such, and are not permitted to settle with paying the poll tax (jizya). However, according to the Hanafi school, peoples of all other religions, even idol worshippers, are permitted to live under the protection of the Islamic state if they either become Muslim or agree to pay the poll tax, the sole exceptions to which are apostates from Islam and idol worshippers who are Arabs, neither of whom has any choice but becoming Muslim (al-Hidaya sharh Bidaya al-mubtadi' (y-21), 6.48-49)).

@9.9.10: Rules of warfare

It is not permissible (A: in jihad) to kill women or children unless they are fighting against the Muslims. Nor is it permissible to kill animals, unless they are being ridden into battle against the Muslims or if killing them will help defeat the enemy. It is permissible to kill old men and monks.

@9.9.11 Non-Muslims under a Muslim's protection

It is unlawful to kill non-Muslims to whom a Muslim has given his guarantee of protection provided their number is limited, and that Muslims are not harmed through his protection of the non-Muslims as for example when they are spies.

Protection can be given by Muslims only after they have reached the age of puberty and to those who are not already taken prisoner or a spy.

@9.9.12 Whosoever converts to Islam before being captured may not be killed or have his property confiscated, or his wife or young children taken captive.

@9.9.13 Women and children captives

When a child or a woman is taken captive, they become slaves by the fact of capture, and the woman's previous marriage is immediately annulled.

@9.9.14 Adult male captives

When an adult male is taken captive, the caliph (9.25) considers the interests of Islam and the Muslims then and decides between the prisoner's death, slavery, release without payment, or ransoming himself in exchange for money or for a Muslim captive held by the enemy.

If the prisoner becomes a Muslim before the caliph chooses any of the four alternatives then he may not be killed, and one of the other three alternatives is chosen.

@9.9.15 Destruction of enemies' trees etc.

It is permissible (not obligatory) in jihad to cut down the enemy's trees and destroy their dwellings (if the amir see its advantage, not just for the sake of destruction).

@9.9.16 Truces. As for truces, the author does not mention them. In the Sacred Law "truce" means a peace treaty with those hostile to Islam, involving a cessation of fighting for a specified period, whether for payment or something else. The scriptural basis for them includes such Koranic verses as:

1. "An acquittal from Allah and His Messenger..." (Koran 9.1);
 2. "If they incline towards peace, incline towards it also" (Koran 8.61);
- as well as the truce which the Prophet - may Allah venerate him and give him peace - made with the Koraysh in the year of Hdaybiya, as related by Bukhari and Muslim.

Truces are permissible, not obligatory. The only authorities who may effect a truce with a segment of the non-Muslims of the region are the Muslim ruler or representative of the region, or the caliph (9.25) or his representative.

However, when a truce is made with more than a segment of the non-Muslims, or with all of them, or with all in a particular region such as India or Asia Minor, then it is only the Caliph, or his representative who may effect it. This is because it is a matter of gravest consequence, whether globally or in a given locality, and the interests of Muslims must be looked after. It is for this reason that it is best to be undertaken by the Caliph or his representative who oversees the interests of various regions.

There must be some interest served in making a truce other than mere preservation of the status quo.

Allah, the Most High says:

"Therefore, do not be weakened and call out for peace, you shall be the upper ones." (Koran 47.35)

Interests that justify making a truce are such things the weakened status of Muslims on account of their number or lack of equipment, or the hope of an enemy becoming Muslim. This is because the Prophet - may Allah venerate him and give him peace - made a truce in the year Mecca was opened with Safwan ibn Umayya for four months in hope that he would become Muslim, and during this time he converted to Islam.

If the Muslims are weak, a truce may be made for ten years if necessary, because as Abu Dawood reported, the Prophet - may Allah venerate him and

give him peace - made a truce with the Koraysh for that length of time. It is not permissible to stipulate longer than that, except through the making of new truces that do not exceed ten years.

The rulings of such a truce are inferable from those of the non-Muslim poll tax (9.11) during which time non-Muslims must not be harmed.

@*Chapter 9.10.0: THE SPOILS OF WAR

@9.10.1 When a free male Muslim who has reached puberty and is sane engages in a battle from its start to end he is entitled to the spoils of war.

After personal booty (9.10.2), the collective spoils of the battle are divided into five parts. The first fifth is set aside (dis: 9.10.3), and the remaining four are distributed, one share to each infantryman and three shares to each cavalryman.

From these latter four fifths also, a token payment is given at the leader's discretion to women, children, and non-Muslim participants on the Muslim side. A combatant only takes possession of his share of the spoils at the official division, however he is free to waive his rights.

@9.10.2 Personal booty

As for personal booty, anyone who, despite resistance, kills one of the enemy or effectively incapacitates him, risking his own life thereby, is entitled to whatever he can take from the enemy. This means as much as he can take away with him in the battle, such as a mount, clothes, weaponry, money, or other.

@9.10.3 Dividing collective spoils

As for the first fifth that is taken from the spoils, it is divided in turn into five parts, a share each going to:

1. the Prophet - may Allah venerate him and give him peace - then after his death to such Islamic interests as fortifying defenses on the frontiers, salaries for Islamic judges, muezzins, and the like;
2. relatives of the Prophet - may Allah venerate him and give him peace - of the Bani Hashim and Bani Muttalib tribes, each male receiving the share of two females;
3. orphans who are poor;
4. those who are short of money (13.8.11);
5. and destitute travelers needing money (13.8.18)

@*Chapter 9.11.0: NON-MUSLIM SUBJECTS OF THE ISLAMIC STATE (Ahl Al-Thimma)

@9.11.1 Who may enter a citizenship agreement with Muslims:

A formal agreement of protection is made with citizens who are:

1. Jews;

2. Christians (Nazarenes)
3. Zoroastrians;
4. Samaritans and Sabians, if their religions do not respectively contradict the fundamental bases of Judaism and Christianity;
5. and those who adhere to the religion of Abraham or one of the other prophets – peace be upon them.

@9.11.2 Idolaters and post-Islamic sects excluded

Such an agreement may not be effected with those who are idol worshippers, or those who do not have a Sacred Book or something that could have been a Book.

“Something that could have been a Book” refers to those like that of the Zoroastrians, who have remnants resembling an ancient Book. As for the psuedoscriptures of cults that have appeared since Islam such as the Sikhs, Baha’ is, Mormons, Qadianis, etc. they neither are, nor could be a Book, since the Koran is the final revelation (dis: w-4).

@9.11.3 Conditions imposed on non-Muslims

Such an agreement is only valid when the non-Muslim subjects:

- (a) follow the rules of Islam mentioned below (9.11.5) and those involving public behavior and dress. Non-Muslim acts of worship and their private lives have their own laws, judges, and courts that enforce the rules of their own religion among their communities;
- (b) and pay the non-Muslim poll tax (jizya).

@9.11.4 Non-Muslim poll tax

The minimum non-Muslim poll tax is one dinar, which is 4.235 grams of gold per person per year. The maximum is whatever both sides agree upon.

The poll tax is collected with leniency and politeness, as are all debts, and is not levied on women, children, or the insane.

@9.11.5 Rules for non-Muslim subjects

There is an obligation upon Non-Muslim subjects to comply with Islamic rules that pertain to the safety and compensation of life, reputation, and property.

In addition, they:

1. are penalized for committing adultery or theft, though not for drunkenness;
2. are distinguished from Muslims in dress, wearing a wide cloth belt (zunnar);
3. are not greeted with "as-Salamu 'alaykum";
4. must keep to the side of the street;
5. may not build higher than or as high as the Muslim buildings, though if they acquire a high rise home, it is not razed;

6. are forbidden to openly display wine or pork, to ring church bells or display crucifixes, recite the Torah or Evangel aloud, or make public display of their funerals and feast-days;

7. and are forbidden to build new churches.

@9.11.6 Non-Muslims forbidden to reside in the Hijaz

Non-Muslims are forbidden to reside in the Hijaz, meaning the area and towns around Mecca, Medina, and Yamama unless the caliph permits them to enter for something they need in which case the duration may not be for more than three days.

@9.11.7 Non-Muslims may not enter Mecca, mosques, etc.

A non-Muslim may not enter the Sacred Precinct of Mecca (Haram) under any circumstances, neither may they enter any other mosque without permission and Muslims may not enter churches without the permission of non-Muslims.

@9.11.8 Caliph must defend non-Muslims in a Muslim land

It is obligatory for the caliph (9.25) to protect non-Muslims living in Muslim lands in the same way that he would protect Muslims, and to seek the release of those of them who are captured.

@9.11.9 Violations of the terms of the agreement

If non-Muslim subjects of the Islamic state refuse to conform to the rules of Islam, or to pay the non-Muslim poll tax, then their agreement with the state has been violated (dis: 9.11.11). If one non-Muslim disobeys the Islamic rule it concerns him alone.

@9.11.10 The Agreement violation

The agreement is violated (A: with respect to the offender alone) if the state has stipulated that any of the following things break it, and one of the subjects does so anyway, though if the state has not stipulated that these break the agreement, then they do not; namely, if one of the subject people:

1. commits adultery with a Muslim woman or marries her;
2. conceals spies of hostile forces;
3. leads a Muslim away from Islam;
4. kills a Muslim;
5. or mentions something impermissible about Allah, the Prophet - may Allah venerate him and give him peace - , or Islam.

@9.11.11 Consequences to violators

When a non-Muslims subject violates the agreement with the state the caliph chooses between the four alternatives mentioned in connection with prisoners of war (9.9.14).

@*Chapter 9.12.0: PENALTY FOR FORNICATION OR SODOMY

@9.12.1 The legal penalty is obligatorily imposed upon anyone who fornicates or commits sodomy provided it is legally established (19.11.2 (O:))) when they:

(a) have reached puberty;

(b) are sane;

(c) and commit the act voluntarily;

no matter whether the person is a Muslim, non-Muslim subject of the Islamic state, or someone who has left Islam.

@9.12.2 Who is subject to the penalty

If the offender is someone with the capacity to remain chaste, then he or she is stoned to death (9.12.6).

“Some with the capacity to remain chaste” means anyone who has had sexual intercourse, at least once with their spouse in a valid marriage, and is free, of age, and sane.

A person is not considered to have the capacity to remain chaste if he or she has only had intercourse in a marriage that is invalid, or is prepubescent at the time of marital intercourse, or is someone insane at the time of marital intercourse who subsequently regains their sanity prior to committing adultery.

If the offender is “not someone with the capacity to remain chaste”, then the penalty consists of being scourged (9.12.5) one hundred stripes and banished to a distance of at least 81 km./50 miles for one year.

@9.12.4 Circumstances in which ignorance is excusable

Someone who commits fornication is not punished if he says that he did not know it was unlawful, provided he is a new Muslim or grew up in a remote area where there are no Islamic scholars. If neither of these is the case, such a person is punished.

@9.12.5 Scourging

An offender is not scourged in intense heat or bitter cold, or when he is ill and recovery is expected until he has recovered. The punishment does not take place in a mosque, or when the offender is a pregnant woman until she gives birth and has recovered from the pain of childbirth.

The whip used should be neither new nor old or worn-out, but something in between. The offender is not stretched out when scourged, neither are his hands bound, rather they left loose to fend off blows, nor is he undressed, rather he is dressed in an ankle length shirt.

The administrator of the punishment does not strike so hard that blood is drawn. The blows are distributed to various parts of the body, avoiding the vital parts of the body and the face. A man is scourged standing; a woman, sitting and is covered by a garment wrapped around her.

If the offender is emaciated, or sick from an illness, from he is not expected to improve, then he or she is scourged with a single date palm frond upon which there are either a hundred or fifty strips. If the palm has a hundred fronds, the offender is struck once with it, but if there are fifty, then he is struck twice, or with the edge of a garment.

@9.12.6 Stoning

If the penalty is stoning, the offender is stoned even in severe heat or cold, and even if he has an illness from which he is expected to recover. A pregnant woman is not stoned until she gives birth and the child can suffice with the milk of another.

@*Chapter 9.13.0: THE PENALTY FOR ACCUSING A PERSON OF ADULTERY WITHOUT PROOF

@9.13.1 Who is subject to the penalty

When a person who has reached puberty and is sane voluntarily:

(a) accuses another person of adultery or sodomy, whether the accusation is in plain words or allusive words intended as an accusation;

(b) and the accused is someone who could be chaste (def:9.13.2) and is not the offspring of the accuser;

then the accuser is subject to the penalty for accusing a person of adultery without four witnesses no matter whether he is a Muslim, non-Muslim subject of the Islamic state, someone who has left Islam, or is of a group that has a truce with Muslims.

@9.13.2 Meaning of "someone who could be chaste"

"Someone who could be chaste" in this context means someone who has reached puberty, is sane, free, Muslim, and has not committed an act of fornication, meaning it has not been legally established (r.11.2(O:))

@9.13.3 Penalty

The penalty for making such an accusation without witnesses is to be scourged with (9.12.5) eighty lashes.

@9.13.4 Accusing in plain words versus allusive words

Accusations in plain words include such expressions as "You have committed fornication," and the like, while allusive words means such expressions as "You lecher," or "You wretch." If the latter terms intended to accuse, they amount to an accusation, if not, then they are not.

The accuser is the one whose word is accepted when there is no proof, if he swears an oath, as to what he intended by such allusive words.

@9.13.5 Accusing a group of people

If someone accuses a whole group of people of adultery who could not possibly all be guilty, such as saying, "All the people in Egypt are adulterers", he is disciplined (9.17).

However, when his accusation is not impossible, such as saying, "The so-and-so tribe are adulterers," then he must bear a separate penalty for every single person in the group.

@9.13.6 Someone who accuses another twice of adultery without witnesses is punished only once.

Someone who accuses a person of adultery and is punished for the accusation, but then again accuses the person of the same act of fornication is disciplined (9.17).

@9.13.7 When someone accuses a person who could possibly be chaste (9.13.2) of adultery, but the accuser has not yet been punished at the time the accused subsequently commits an act of fornication, then the accuser is not punished.

@9.13.8 Conditions for imposing the penalty

The penalty for accusing a person of adultery without witnesses is only carried out when the Islamic magistrate is present, and the accused requests that it be carried out.

If the accused forgives the offender, there is no punishment.

@9.13.9 If an accused person dies after an accusation has been made and before he was punished, then his right to demand that the punishment be carried out is given to his heirs.

@*Chapter 9.14.0: THE PENALTY FOR THEFT

@9.14.1 Penalty

A person's right hand is amputated, whether he is a Muslim, non-Muslim subject of the Islamic state, or someone who has left Islam, when he:

- (a) has reached puberty;
- (b) is sane;
- (c) is acting voluntarily;
- (d) and steals at least a quarter of a dinar (1.058 grams of gold) or goods worth that much at the market price current at the time of the theft;
- (e) from a place meeting the security requirements normal in that locality and time for safeguarding similar articles (9.14.3);
- (f) provided there is no possible confusion (dis: 9.14.2(3)) as to whether he took it by way of theft or for some other reason.

If a person steals a second time, his left foot is amputated; if a third time, then his left hand, and if he steals again, then his right foot. If he steals a fifth time, he is disciplined (9.17).

If he does not have a right hand at the time of the first offense, then his left foot is amputated. If he has a right hand but loses it after the theft by an act of God, but before he has been punished for it, then nothing is amputated.

After amputation, the limb is cauterized with hot oil, which in previous times was the means to stop the bleeding and save the criminal's life.

@9.14.2 A person's hand is not amputated when:

1. he steals less than the equivalent of 1.058 grams of gold;
2. he steals the article from a place that does not meet normal requirements for safeguarding similar articles (dis: below);
4. or when there is a possible confusion as to why he took it, as when it belongs to his son or father or was taken from the Islamic treasury (bayt al-mal) that is provided the person is Muslim, since he might have intended to use it to build mosques, bridges, or hospices.

@9.14.3 Meaning of "normal security for similar articles"

A place that meets normal security requirements for safeguarding similar articles means a place appropriate for keeping the thing, this varying with the type of article, the different countries, and with the justness of the ruler or lack of it, as well as the ruler's relative strength or weakness.

A suitable place for safeguarding fine clothes, money, jewels, and jewelry, for example, is a locked box. The storage place for trade goods is a locked warehouse with guards; the storage place for livestock is a stable; while the furniture are stored in the house or whatever the custom.

@9.14.4 If two persons jointly steal the equivalent of 1.058 grams of gold, then neither of the two's hand is amputated.

@9.14.5 Only the Caliph may impose a penalty

A freeman's hand may not be amputated by anyone besides the caliph or his representative (9.25).

@9.14.6 No amputation applicable (of the severing the hand for theft-penalty) for forcible seizure etc (rather, may apply the robbery's penalty see next of cutting hands and legs.)

There is no amputation for forcible seizure (meaning someone relying on force (to take people's money, who has a gang helping him)), snatching (meaning someone who depends on running away and is unarmed), or betraying a trust (of something entrusted to him, such as a deposit for safekeeping), or appropriating something by disavowal (A: i.e. denying that the victim loaned or entrusted him with such and such a thing), (because of the Prophet's - may Allah venerate him and give him peace - saying,

"There is no amputation for someone who seizes by force, snatches and runs, or betrays a trust,:"

A Prophetic quotation (Ahadith) TirmiThi classified as rigorously authenticated (Sahih)). (A: But if one of the above mentioned persons is a repeated offender whom it is in the interests of society to kill, the caliph may kill him.)

@*Chapter 9.15.0: THE PENALTY FOR HIGHWAY ROBBERY

@9.15.1 There is an obligation upon the caliph to summon whosoever uses a weapon and makes people afraid to use the road regardless of location. Force also is considered as being a weapon.

If the highwayman responds to the summons before he has injured anyone, then he is only disciplined (9.17). However, if he stole the equivalent of 1.058 grams of gold under the previously mentioned conditions (9.14.1), both his right hand and left foot are amputated.

The difference between a highwayman and someone who takes by forcible seizure (dis: 9.14.6) is that the latter does so within earshot of help, while the offense of the highwayman is far greater because he menaces the lifeline of the community and its trade routes.

@9.15.2 Penalty

If a highwayman kills someone, he must be executed, even when the person entitled to retaliation (9.3) agrees to forgo it.

If a highwayman robs and kills, he is killed and then left crucified for three days. (for a sign for others not to dare)

If he wounds or maims someone, retaliation is taken against him, though it may be waived by those entitled to take it.

@9.15.3 Giving oneself up averts the penalty

The penalty for highway robbery, such as mandatory execution, crucifixion, and amputating the hand and foot, is cancelled if the highwayman repents, desists, and gives himself up before being apprehended, though he is still liable to retaliation (9.3) by entitled parties for injuries or deaths he caused to victims. He is also financially responsible for restoring the money he has taken.

@*Chapter 9.16.0: PENALTY OF DRINKING INTOXICANTS

@9.16.1 Meaning of unlawful beverages

Any beverage that intoxicates when taken in large quantities is unlawful both in small and large quantities. It is unlawful both in small and large quantities no matter whether it is wine, fermented raisin drink, or something else.

@9.16.2 Who is subject to the penalty

The penalty for drinking intoxicants is obligatorily enforced against anyone who: (a) drinks intoxicants;

(b) has reached puberty;
(c) is sane;
(d) is Muslim;
(e) does so voluntarily;
(f) and knows it is unlawful, however if the person is ignorant of the prohibition as outlined in (9.12.4) that relates to adultery, he is not punishable.

@9.16.3 Penalty

The penalty for drinking is to be beaten forty stripes, with hands, sandals, and ends of clothes. It may be administered with a whip, but if the offender dies, a compensation (9.4.4) is due by the person administering the punishment for his death.

If the caliph (9.25) increases the penalty to eighty stripes, it is legally valid, but if the offender dies from the increase, the caliph must pay an adjusted compensation, such that if he is given forty-one stripes and dies, the caliph must pay 1/41 of a full compensation.

@9.16.4 Repeated fornication, drinking, etc.

Someone who commits adultery, or drinks, or steals several times before being punished is only punished once for each type of crime.

@9.16.5 With the exception of the highwayman who repents before he is caught (dis: 9.15.3), the penalty for a crime is not averted by the repentance of an offender.

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@9.16.6 Alcohol is absolutely impermissible

It is not permissible to drink an intoxicant under any circumstances no matter whether as a medicine, or out of extreme thirst. The only exception is if one is choking on a piece of food and there are no other means of clearing from one's throat one may drinking the intoxicant, because in such circumstances it is obligatory.

Alcohol may not be used in bread making or for cooking meat.

Shaykh al-Islam Zakariyya Ansari states, "It may not be used for medicine or extreme thirst, though there is no prescribed penalty for doing so, even when something besides it is available."

The prohibition of using it for medicine or extreme thirst refers to when it is unmixed, as opposed to when it is compounded with something else that renders it completely indistinguishable, such that no taste, no color, or odor of it remains, in which case it is permissible.

@9.16.7 Nonalcoholic Intoxicants

Muhammad Shirbini Khatib says that the term “beverage” (dis: 9.16.1) excludes plants, such as hashish, which hashish users eat.

The two Shaykhs Rafi'i and Nawawi mention in the section of their reference relating to food that “ruyani” is unlawful to eat, although there is no legal penalty attached to its eating (Mughni al-muhtaj ila ma`rifa ma`ani alfaz al-Minhaj (y-73), 4.187).

Al-Mawsu`a al-fiqhiyya says that in the same way that any intoxicant beverage is unlawful to consume no matter whether in large or small quantities, it is absolutely unlawful to use any solid substance detrimental to mind or body which produces languor or has a narcotic effect. However, minute, beneficial amounts prescribed to treat illnesses are permissible. Substances are not unlawful in themselves, but are unlawful because they are deleterious (mawdu' al-ashriba. Tab`a tamhidiyya li mawdu `at al-Mawsu`a al-fiqhiyya, no. 1(y-134), 49).

@*Chapter 9.17.0: DISCIPLINARY ACTION (Ta`zir)

@9.17.1 Disciplinary action for disobedience without a prescribed penalty
Someone who commits an act of disobedience to Allah, the Most High that constitutes neither a prescribed legal penalty nor expiation, such as bearing false witness, is disciplined to the extent the caliph (9.25) deems appropriate.

The caliph exercises his own legal reasoning (ijtihad) and does what he thinks should be done, whether imprisonment and beating, or either, or a verbal reprimand. He may not administer a more severe degree of punishment than what he feels is strictly necessary.

@9.17.2 Disciplinary action may not reach the amount of the least prescribed legal penalty. For example, a freeman if beaten may not receive forty stripes.

@9.17.3 If the caliph sees fit not to take any disciplinary action, this is also permissible when it concerns a right owed to Allah, the Most High, because the caliph is entrusted to use his own legal reasoning.

However, if it concerns a right owed to a fellow human being who has demanded that it be fulfilled, for example when someone has been cheated, it is impermissible to do nothing.

If a person is entitled to have another disciplined, but decides to forgive him, the ruler may nevertheless discipline him.

@9.17.4 Guardians, teachers, etc., may discipline charges

A father or grandfather (and on up) is entitled to discipline those under his care when they commit an act that is unbecoming, and so may a mother with her child. A husband is entitled to discipline his wife for not giving him his rights (17.5.1). A teacher may discipline a student, spanking for example, is permissible

if there is a valid lawful purpose to be served thereby, and the student's guardian has given the teacher permission.

@*Chapter 9.18.0: OATHS (Yamin)

@: An oath is a solemn statement to do or refrain from something, or that something is true, such that if things turn out otherwise, the swearer must make an expiation (9.20.2).

@9.18.1

An oath is only valid from a person (whether Muslim or non-Muslim) who:

- (a) has reached puberty;
- (b) is sane;
- (c) makes the oath voluntarily;
- (c) and intends an oath thereby.

@9.18.2 Unthinking oaths are invalid

The oath of someone whose tongue runs away with him and who unthinkingly swears an oath, or someone who intends a particular oath but unintentionally swears something else, does not count and is an unintentional oath.

Allah, the Most High says:

Allah will not call you to account for a slip in your oaths. But He will take you to task for that which is intended in your hearts. Allah is Forgiving and Merciful. (Koran 2.225)

@9.18.3 Offensive to swear by other than Allah

An oath is only validly effected if sworn by a name of Allah, the Most High, or an attribute of His entity (That).

It is offensive to swear an oath by other than Allah if one intends a statement in earnest, though it is unlawful to do so if one intends reverence to the thing sworn by.

@9.18.4 Names of Allah that effect oaths

There are some Names of Allah, the Most High that are applied to no one but Him, such as Allah, the Most Merciful, the All-vigilant, and Knower of the Unseen. An oath sworn by any of these is valid without restriction.

@9.18.5 Other Names of Allah may be conditionally applied to other than Him, such as Lord (Rabb). Rabb bayt meaning, for example, home owner, the Most Merciful (al-Raheem). Raheem al-qalb meaning softhearted, or the Omnipotent (al-Qadir) Qadir 'alayhi meaning capable of it; the second term of each of these examples indicating that Allah is not meant.

An oath sworn by such names is validly effected, unless the swearer specifically intends something else.

@9.18.6 Expressions that require the intention

Other Names of Allah such as the Living (al-Hayy), the Existent (al-Mawjud), or the Seeing (al-Basir) can apply to both Him and His creatures. An oath sworn by such names is not validly effected unless the swearer specifically intends it as an oath.

@9.18.7 An oath sworn by the attributes of Allah that are inapplicable to creatures, such as the Glory of Allah, His Exaltedness, His Eternity, or the Koran, is validly effected without restriction.

@9.18.8 An oath sworn by Divine attributes that are sometimes used to allude to creatures, such as the Knowledge of Allah, His Power, of His Right, is validly effected unless the swearer intends something else by them. For example, such as meaning by knowledge the things known, by power the things under its sway, or by right acts of worship that are His right, in which cases an oath has not been validly effected.

@9.18.9 An oath is validly effected when a person says, "I swear by Allah that...", or "I've sworn by Allah that...", unless the person just intends to inform.

@9.18.10 Unless one particularly intends it as an oath, an oath is not validly effected when the following expressions are used, "I will not do such and such, by the life of Allah," or "I resolve by Allah," or "by the Covenant of Allah," "His Guarantee," "His Trust," "His Sufficiency," or "I ask you by Allah," or "I swear by Allah that you must do such and such."

@*Chapter 9.19.0: EXAMPLES OF BREAKING AND NOT BREAKING OATHS

@9.19.1 If one swears, "I will not eat this wheat," but then makes it into flour or bread and eats it, one has not broken one's oath.

If one swears, "I will not drink from this river," but then drinks its water from a jug, one has broken one's oath.

If one swears, "I will not eat meat," but then eats fat, kidneys, tripe, liver, heart, spleen, fish, or locusts, one has not broken one's oath.

@0-19.2 (was not translated)

@9.19.3 If one swears, "I will not enter the house," but then does so absentmindedly, in ignorance of its being the house, or under compulsion, or by being carried in, then one's oath is not broken and it is still in effect.

@0-19.4 (was not translated)

@9.19.5 Adding "If Allah wills" (Insha'Allah)

When a person swearing an oath about something in the future, affirming or denying that it will occur and it includes the expression in sha' Allah ("if Allah will") before finishing the oath, then the oath is not broken in any event if he thereby intends to provide for exceptions.

However, if he said it out of habit, not intending to make an exception to his oath, or if he says it after having finished swearing the oath, then the exception is not valid. This is because when an oath has been completed, its effect is established and not eradicable by a statement of exception.

@*Chapter 9.20.0: THE EXPIATION FOR A BROKEN OATH

@9.20.1 An expiation is obligatory for someone who swears and breaks an oath. If the swearer is entitled to expiate by the expenditure of property (9.20.2(1-3)), it is permissible for him to do so before or after breaking the oath. But if it consists of fasting, then he may only do so after breaking the oath.

@9.20.2 Expiation for a broken oath

The expiation consists of any one of the following:

1. to free a sound Muslim slave;
2. to feed ten people who are poor or short of money (13.8.8-11) each with 0.51 liters of grain. The condition is not restricted to grain, it can be fulfilled with the type of food payable for the obligatory charity (zakat) of 'Eid al-Fitr (13.7.6). The Hanafi school of jurisprudence permits giving its value in money;
3. or to provide clothing of any kind for ten such persons, even if it consists of a wraparound or clothing previously washed, though not worn out clothing.

If one is unable to do any of the above, one must fast for three days. It is better to fast them consecutively, though permissible to do so non-consecutively.

@9.20.4 Someone eligible to receive the obligatory charity (zakat) funds or expiations because of being poor (13.8.8) or short of money (def:13.811) may expiate broken oaths by fasting.

@*Chapter 9.21.0: JUDGESHIP

@9.21.1 Communal obligation 9.21.1

To undertake the Islamic judgeship is a Communal obligation (8.3.2) for those capable of performing it in a particular area.

If only one competent person exists who can perform it, then it is personally obligatory for him to do so. If he refuses, he is compelled to accept although the obligation only rests upon his acceptance of the judgeship when it is in his own home area and not when it is elsewhere because this would cause him hardship.

Such an individual person may not take a salary for his service because for him it has become personally obligatory, and it is not permissible to take a wage for something that is personally obligatory, as opposed to something that is a

Communal obligation for which the acceptance of a wage is permissible. However, if he is needy the Islamic treasury gives him enough to cover his expenses and those of his dependents, without wastefulness or penury. But if he agrees to judge without being paid hoping for a reward from Allah, it is better for him.

@9.21.2 It is permissible to have two or more judges in the same town.

@9.21.3 Judges appointed by the Caliph

It is not valid for anyone other than the caliph (9.25) or his representative to appoint someone as judge.

@9.21.4 Two parties selecting a third to arbitrate

It is permissible for two parties to select a third party to judge between them if he is competent for the judgeship (9.22.1) providing the case does not concern penalties prescribed by Allah, and they may select such a person even when a judge exists. It is obligatory for them to accept his decision on their case, though if either litigant withdraws his nomination before the third party gives his judgement, the latter may not judge.

@*Chapter 9.22.0: JUDGE AND THE COURT

@9.22.1 Qualifications for being a judge

The necessary qualifications for being an Islamic judge (qadi) are:

- (a) to be a free male;
- (b) to have full capacity for moral answerability (taklif, def: 8.8.1);
- (c) to be upright (9.24.4) :
- (d) to possess knowledge of the rulings of Sacred Law. This means through personal legal reasoning (ijtihad) from primary texts, and not just by following a particular qualified scholar (taqlid) i.e. if he follows qualified scholarship, he must know and agree with how the rulings are derived, not just report them. Being qualified to perform legal reasoning (ijtihad) requires knowledge of the rules and principles of the Koran, the Prophetic practice which means in this context, the Prophetic quotations (Ahadiths), not the Prophetic practice as opposed to the obligatory, together with the knowledge of scholarly consensus (ijma', def: 7.7) , and analogy (III below), as well as knowing the types of each of these.

The knowledge of each "type" below implies familiarity with subtypes and kinds, but the commentator has deemed the mention of the category as a whole sufficient to give readers a general idea.

(I) The types of Koranic rules include, for example:

1. those ('amm) of general applicability to different types of legal rulings;
2. those (khass) applicable to only one particular ruling or type or type or ruling;
3. those (mujmal) which require details and explanation in order to be properly understood;
4. those (mubayyan) which are plain without added details;

5. those (mutlaq) applicable without restriction;
6. those (muqayyad) which have restrictions;
7. those (nass) which unequivocally decide a particular legal question;
8. those (zahir) with a probable legal signification, but which may also bear an alternative interpretation;
9. those (nasikh) which supersede previously revealed Koranic verses;
10. and those (mansukh) which are superseded by later verses.

(II) The types of Prophetic practice (i.e. Prophetic quotations (Ahadiths)) include:

1. Prophetic quotations (Ahadiths) (mutawatir) related by whole groups of individuals from whole groups, in multiple linked channels of transmission leading back to the Prophet himself - may Allah venerate him and give him peace - such that the sheer number of separate channels at each stage of transmission is too many for it to be possible for all to have conspired to fabricate the Prophetic quotation (Ahadith) and thereby is obligatory to believe in, and the denial of which is disbelief (kufr));
2. Prophetic quotations (Ahadiths) (ahad) related by fewer than the above-mentioned group at one or more stages of the transmission, though traced though linked successive narrators back to the Prophet - may Allah venerate him and give him peace. If a Prophetic quotation (Ahadith) is transmitted through just one individual at any point in the history of its transmission, the Prophetic quotation (Ahadith) is termed "singular" (gharib). If it is transmitted through just two people at any stage of its transmission, it is termed "rare" ('aziz). If its channels of transmission come through only three people at any point of its history, it is termed "well-known" (mashhur). These designations do not directly influence the authenticity rating of the Prophetic quotation (Ahadith), since a "singular" Prophetic quotations (Ahadith), for example, might be "rigorously authenticated" (sahih), or "well authenticated" (hasan) and Prophetic quotations (Ahadiths) of both types are obligatory for a Muslim to believe in. However, if someone who denies them is he is considered corrupt (fasiq), but not an unbeliever (kafir). The Prophetic quotations that are "not well authenticated" (da'if), depend on the reliability ratings of the narrators and other factors weighed and judged by Prophetic quotation (Ahadith) specialists;
3. and other kinds. Yusuf Ardabili mentions the following in his list of qualifications for performing legal reasoning (ijtihad):
4. Prophetic quotations (Ahadiths) termed "mursal" transmitted from one of those (tabi'i) who had personally met, not only met, but actually studied under one or more of the prophetic companions (Sahaba) but not the Prophet himself - may Allah venerate him and give him peace. This classification of Prophetic quotation (Ahadith) is reported in the form, "The Prophet said (or did) such and such," without mentioning the name of the companion who related it directly from the Prophet – may Allah venerate him and give him peace ;
5. Prophetic quotations (Ahadiths) termed "musnad" which are those related though a linked series of transmitters directly to the Prophet - may Allah venerate him and give him peace ;

6. Prophetic quotations (Ahadiths) termed “muttasil” related through a linked series of transmitters either from the Prophet - may Allah venerate him and give him peace - such a Prophetic quotation (Ahadith) being termed “ascribed” (marfu'), or else only from one of the companions, such a Prophetic quotations (Ahadith) being termed “arrested” (mawquf));
7. Prophetic quotations (Ahadiths) termed “munqata” which are those related through a chain of transmitters of whom one is unknown, however, if two or more are unknown, it is not considered “unlinked” (munqata'), but rather “problematic” (mu'dal);
8. the “positive and negative personal factors” (jarh wa ta'dil) determining the reliability ratings of the individual narrators of a Prophetic quotations (Ahadiths) channel of transmission:
9. the position held by the most learned of the companions (Sahaba) on legal questions, and those of the scholars who came after them;
10. and on which of these positions there is scholarly consensus (7.7), and which are differed upon (Kitab al-anwar lia'mal al-abrar fi fiqh al-Imam al-Shafi'i (yII), 2.391).

The English explanatory notes and remarks on the meanings of the above Prophetic quotations (Ahadiths) terminology are from notes taken by the translator at a lesson with Prophetic quotations (Ahadith) specialist Shaykh Shu'ayb Arna'ut.

(III) Types of analogical reasoning (qiyas) include:

1. making an “a competitive analogy between acts p and q, where if p takes a ruling, q is even likelier to take the same ruling. For example, because saying “Fie on you” (Koran 17 23) to one's parents is unlawful, one may analogically infer that beating them must also be unlawful;
2. making an analogy between acts p and q, where if p takes a ruling, one may infer that q is equally likely to take the same ruling. For example, because it is unlawful to wrongfully consume an orphan's property, then it must also be unlawful to destroy his property by its burning;
3. and making an analogy between acts p and q, where if p takes a ruling, one may infer that it is likely, though less certain, that q takes the same ruling on account of a common feature in the two acts which functions as the basis ('illa) for the analogy. For example, because usurious gain (riba) is unlawful in selling wheat (dis: 16.3.1), then it is also unlawful in selling apples in the same way, the basis for the analogy being that both are food.

The meaning of “knowledge of the above matters” is for a judge to know part of what is connected with the Koran, Prophetic practice of the Prophetic quotations (Ahadiths), and analogy. It does not mean having the complete knowledge of the Book of Allah, total familiarity with the rules of the Prophetic practice, or comprehensive mastery of the rules of analogical reasoning. It means that which is pertinent to giving judgements in court, although an absolute expert in Islamic legal reasoning (mujtahid mutlaq) such as Abu Hanifa, Malik, Shafi'i, or Ahmad, is

obligated to know what relates to every subject matter in Sacred Law. He must know the reliability ratings of Prophetic quotation (Ahadith) narrators in strength and weakness. When two primary texts seem to contend, he gives precedence to:

1. those of particular applicability (Khash) over those of general applicability ('amm);
2. those that take restrictions (muqayyad) over those that do not (mutlaq);
3. those which unequivocally settle a particular question (nass) over those of probabilistic legal significance (zahir);
4. those which are literal (muhkam) over those which are figurative (mutashabih);
5. and those which supersede previous rulings, those with a linked channel of transmission, and those with a well-authenticated channel of transmission, over their respective opposites.

He must likewise know the positions of the scholars of Sacred Law regarding their consensus and differences and not contradict their consensus with his own reasoning because that would be unlawful (dis: 7.7.2).

If no one possesses the above-mentioned qualifications, and a strong ruler appoints an unfit Muslim to the bench, such as someone who is immoral, or who is incapable of independent legal reasoning (ijtihad) and just follows other qualified scholars (taqlid), or a child, or a woman, then the appointee's decisions are implemented because of necessity, so as not to halt the people's concerns and interests - and this is what exists nowadays, when the conditions for an Islamic judge are seldom met;

(e) sound hearing;

(f) sound eyesight;

(g) and the faculty of speech.

The author did not mention the necessary condition of being a Muslim, evidently feeling that uprightness mentioned in (c) above was a sufficient implication.

@9.22.2 It is recommended that the judge is stern without harshness, and flexible without weakness, so the litigants do not despise or disdain him for otherwise, people entitled to rights would not be able to obtain them.

@9.22.3 Judge's assistant etc.

If the judge needs to appoint another person to handle a part of his caseload because it is too heavy for him, then he may assign someone to deal with the extra cases if the person is qualified to be a judge. If there is no need for the judge to appoint another qualified person, he may not appoint such a person without special permission from the regional ruler.

If the judge needs a court secretary, it must be a Muslim male who is free, upright (9.24.4), sane, and learned. This means he must be familiar with writing up plaintiffs' cases, recording what is done in each case and the judge's decisions, and must be able to distinguish between writing it correctly and incorrectly.

The above four conditions are obligatory.

@9.22.5 If there is no crowd, the judge should not have a doorkeeper, though if he needs one, the doorkeeper must be sane, reliable, and unbribeable.

@9.22.6 Various rules for judges

When not in the area of his jurisdiction, the judge may not give legal decisions, appoint others, hear evidence, or claims.

@9.22.7 The judge may not accept gifts except from someone who customarily gave him gifts before he became judge, who is not a plaintiff, and whose gifts are not more lavish than those given before his appointment.

The same is true for entertaining the judge as a guest, as well as lending articles to him which are of rental value, such as lending him lodgings. It is better for a judge not to accept any gifts. Whenever gifts are not lawful to accept, he does not legally own them and must return them.

@9.22.8 Judge may not decide cases involving his son etc

A judge may not decide cases involving his son, his son's son and down, or his father, paternal grandfather and on up, or cases involving his partner in a shared enterprise.

@9.22.9 A judge may not decide cases when angry etc.

A judge should not decide cases when angry, hungry, thirsty, overwrought, exultant, ill, tired, flatulent, annoyed, or when the weather is irritatingly hot or cold. This is because it is offensive for a judge to decide a case in any state that affects his temperament for the worse, although if he does, his decision is implemented.

@9.22.10 The judge should not sit in a mosque to decide cases lest voices are raised therein, and because he might need to bring in the insane, children, a menstruating woman, or non-Muslims; for which reasons sitting in a mosque to decide cases is offensive.

However, if his sitting in the mosque in prayer, spiritual retreat (i'tikaf), or awaiting a group prayer happens to coincide with the coming of two litigants, then he may judge between them without it being offensive.

@9. 22.11 The judge should have the demeanor of tranquility and gravity because it creates greater respect for him and makes it likelier that he will be obeyed.

He should have witnesses present and scholars of jurisprudence to consult with on points of difficulty. If a case is not clear, he should postpone giving a decision

on it. He may not imitate another's decision on a case but must be capable of expert legal reasoning (ijtihad) himself.

@9.22.12 Takes cases first-come-first-served

The judge handles the cases on a first-come-first served basis, one case in turn. If two arrive at the same time, they draw lots to see whose case will be heard first.

It is obligatory for the judge to treat two litigants impartially, seating both in places of equal honor, attending to each, and so forth, unless one is a non-Muslim, in which case he gives the Muslim a better seat. He may not treat either litigant rudely, nor prompt one as to how to state his case.

@9.22.13 The judge may intercede with one of them on behalf of the other, meaning to ask the two parties to settle their differences, which is meant by "intercede". It does not take place until after the truth has been established, which prevents him from his unfairly inclining to either one, and he may also pay one litigant what the other owes him.

@9.22.14 When assigned to a new jurisdiction, the judge first looks into the cases of the imprisoned, then orphans, and then of lost and found items.

@*Chapter 9.23.0: COURT CLAIMS

@9.23.1 When plaintiff does not tell the truth

If a plaintiff makes a claim that is not true, the judge considers it as if he had not heard it and need not ask the defendant about it.

When a claim is true, the judge asks the defendant, "What do you say?" If the defendant admits the claim is true, the judge does not give a decision on the case as there is no need unless the plaintiff asks him to do so. However, if the defendant denies the claim, then if the plaintiff has no proof, the defendant's word is accepted if he swears an oath to that effect - this is when the claim does not involve blood i.e. retaliation (9.3) or compensation (04). If it does, then if there is obscurity in the matter, the plaintiff's word is accepted provided fifty separate oaths are sworn by and distributed over all those entitled to take retaliation. The judge does not have the defendant swear an oath unless the plaintiff requests it. If the defendant refuses to swear, then the judge has the plaintiff swear that his claim is true, and after he has done so he is entitled to what he has claimed from the defendant.

However, if the plaintiff also refuses to swear, the judge, dismisses both of them. If the defendant remains silent and does not respond to the claim against him then the judge should say, "Would that your would answer, because unless you do, I will give the plaintiff the opportunity to swear an oath." If the defendant does not, then the plaintiff may swear an oath, and if he does, he is entitled to his claim.

@9.23.2 When the judge knows the truth

If the judge knows the truth of the claim against the defendant, and it concerns one of the prescribed penalties of Allah, the Most High. For example, fornication, theft, rebellion, or drinking intoxicants, then he may not sentence the defendant, on that basis alone, meaning on the basis of his knowledge of one of the above crimes.

It is related of Abu Bakr Siddiq - may Allah be pleased with him - that he said, "Where I to see someone who deserved a prescribed legal penalty, I would not punish him unless two witnesses attested to his deserving it in front of me."

When the judge knows the truth about something other than prescribed legal penalties, he must judge accordingly and the necessary condition for which is that he plainly states that he knows, such as by saying, "I know what he claims against you to be true, and have judged you according to my knowledge".

@9.23.3 When the judge does not know the language of the litigants, then he refers to upright (9.24.4) persons familiar with it, provided they are a number i.e. two or more, sufficient to substantiate the claim (9.24.7-10).

@9.23.4

If a judge gives a decision on a case but then learns of an unequivocal text relating to it from the Koran or (mutawatir) Prophetic quotations (Ahadiths) (9.22.1 (d(II))), a consensus of scholars, or a primary analogy (9.22.1(dIII))), that contradicts his decision, then he reverses it.

@9.23.5 Who may litigate

A court claim is not valid except from a plaintiff possessing full right to deal with his own property.

@9.23.6 What may be litigated over

It is not valid to litigate over something that is not determinately known (16.2.1 (e)) , though some exceptions to this exist, such as claiming a bequest.

If the plaintiff is claiming a financial obligation (dayn), he must mention its type, amount, and description.

If he is claiming some particular article ('ayn) such as a house, he must identify it. If he is unable to do so as when the article is portable, and out of town, then he must describe it with a description that would be valid for buying in advance (16.9.2(d,g)) .

@9.23.7 If a defendant denies a claim against him and the plaintiff has no proof then his denial is accepted provided he swears on oath, as also when he says, "I owe him nothing."

@9.23.8 When the article is in one litigant's possession

If the claim is for a particular article that is currently in the possession of one of the litigants, then the word of the person who has it is accepted when he swears an oath that it is his.

If the article is in the possession of both litigants and there is no proof as to whose it is, or when it is in the possession of neither, such as when a third party has it, then each swears an oath that it does not belong to the other and half the article is given to each of them.

@9.23.9 Unacknowledged debts collected without permission

When another person owes one something, but denies it, then one may take it from his property without his permission no matter whether one has proof of it or not. However, if the person acknowledges that he owes it to one, one may not simply take it from him because a debtor may pay back a debt from whatever part of his property he wishes.

@*Chapter 9.24.0: WITNESSING AND TESTIFYING

@9.24.1 Communal obligation

It is a Communal obligation (e-3.2) to both witness legal events and to testify to have witnessed them. If there is only one person to do so, then it is personally obligatory upon him, in which case he may not accept payment for it, though if it is not personally obligatory, he may accept a fee.

@9.24.2 Conditions for being a witness

Legal testimony is only acceptable from a witness who:

- (a) is free;
- (b) is fully legally responsible (mukallaf, def: 8.8.1) this is because a testimony is not accepted from a child or insane person, even when the child's testimony regards injuries among children that occurred at play;
- (c) is able to speak;
- (d) is mentally awake;
- (e) is religious, meaning upright (9.24.4), and Muslim. Allah, the Most High says, "Call two honest men among you to witness" (Koran 65.2), because disbelief is the vilest form of corruption, as goes without saying;
- (f) and who is outwardly respectable. "Respectable" meaning to have the positive traits which one's peers possess in one's particular time and place.

Shaykh al-Islam Zakariyya Ansari says, "Respectability is refraining from conduct that is unseemly according to standards commonly acknowledged among those who observe the precepts and rules of the Sacred Law."

Respectability is according to standards commonly acknowledged (14.4.5) because there are no absolute standards for it, rather, it varies with different persons, conditions, and places. Such things as eating and drinking in the marketplace or a man wearing nothing on his head may invalidate it, although the

latter is of no consequence in our times, as may a religious scholar's wearing a robe or cap in places where it is not customary for him to do so.

The testimony of an absentminded person, meaning, someone who often makes mistakes and forgets, is not acceptable because he is unreliable.

@9.24.3 Those whose testimony is unacceptable

Nor is testimony acceptable from someone who:

1. has committed a major sin, meaning something severely threatened against in an unequivocal text from the Koran or Prophetic quotations (Ahadiths) (dis: book p) although if someone who commits such an act then repents (10.77) and is felt to be sincere in this, he regains his legal uprightness and his testimony is accepted, provided he is tested after his repentance long enough to believe in its genuineness;
2. persists in a lesser sin because it then becomes a major sin, as opposed to when one does not persist therein. A lesser sin is one that has not been severely threatened against in an unequivocal text;
3. or is without respectability, meaning a legally corrupt or immoral person (fasiq) is someone guilty of (1) or (2) above.)

@9.24.4 Meaning of an upright person ('adal)

Normal uprightness ('adala) for purpose other than giving testimony in court means that one avoids (1) and (2) above, while (3) concerns court testimony alone. "Uprightness" for testimony in court means a person is none of the above

@9.24.5 The testimony of a blind person is accepted about events witnessed before he became blind, though not events witnessed after, unless they are public events that are discussed among people, or when someone says something the blind person hears such as a pronouncement of divorce, and he takes the speaker by the hand and conducts him to the judge and testifies as to what he has said.

@9.24.6 Others whose testimony is unacceptable

The testimony of any of the following is unacceptable:

1. a person testifying for his son or his son's son, and on down, or his father or his paternal grandfather and on up;
2. a person who stands to benefit by his own testimony;
3. a person who stands to avoid loss to himself through his testimony;
4. a person testifying about his enemy;
5. or a person testifying about his own act.

@9.24.7 How many witnesses are needed in court cases

The testimony of the following is legally acceptable when it concerns cases involving property, or transactions dealing with property, such as sales:

1. two men;
2. two women and a man;

3. or a male witness together with the oath of the plaintiff.

@9.24.8 Marriage or legal penalties

If testimony does not concern property, such as a marriage or prescribed legal penalties, then only two male witnesses may testify. However, in the Hanafi school two women and a man may testify for marriage.

@9.24.9 Fornication or sodomy

If testimony concerns fornication or sodomy, then it requires four male witnesses who, in the case of fornication, testify that they have seen the offender insert the head of his penis into her vagina.

@9.24.10 Things usually only seen by women

If testimony concerns things that men do not typically see but women do, such as childbirth, then it is sufficient to have two male witnesses, a man and two women, or four women.

@*Translator's additions

@*Chapter 9.25.0: THE CALIPHATE

@ This section has been added here by the translator because the caliphate is both Obligatory in itself and the necessary precondition for hundreds of rulings (books k through o) established by Allah, the Most High, to govern and guide Islamic community life. What follows has been edited from al-Ahkam al-sultaniyya wa al-wilayat ad-diniyya by Imam Abul Hasan Mawardi, together with three principal commentaries on Imam Nawawi's Minhaj al-talibin, namely Ibn Hajar Haytami, Muhammad Shirbini Khatib, and 'Abd al-Hamid Sharwani.

@9.25.1 The obligatory character of the caliphate

Mawardi says, that the reason the office of supreme leadership has been established in the Sacred Law is to fulfill the caliphal successorship to the prophethood in preserving the religion and managing worldly affairs.

The investiture of someone from the Islamic Nation (Umma) able to fulfill the duties of the caliphate is obligatory by scholarly consensus (7.7), though scholars differ as to whether its obligatory character is established through reason or through Revealed Law. Some say that it is obligatory by human reason, because of the agreement of rational individuals to have a leader to prevent them from wronging one another and to come between them when conflict and arguments arise.

Without authorities, there would be a chaos of neglected people and a disorderly mob. Others hold that it is obligatory not through reason, but rather through Sacred Law, for the caliph performs functions that human reason might not otherwise deem ethically imperative, and which are not entailed by reason alone, because reasons are not entailed by reason alone. This is because reason just requires that rational beings refrain from reciprocal oppression and strife, such

that each individual conform with the demands of fairness in behaving towards others with justice and social cohesion, each evaluating their course with their own mind, not anyone else's. On the other hand the Sacred Law stipulates that human concerns be consigned to the person religiously responsible for them.

Allah, the Mighty and Majestic says:

"Believers, obey Allah and obey the Messenger and those in authority among you." (Koran 4.59).

thereby placing an obligation upon us to obey those in command, namely the leader with authority over us.

Abu Hurayra relates that the Prophet - may Allah venerate him and give him peace – said:

"Authority among the Children of Israel was exercised by prophets. When a prophet died, he was succeeded by another prophet. I will not be succeeded by a prophet, but there will be caliphs after me, a large number of them." He asked, "O Messenger of Allah, then what do you command us?" He said, "Be loyal to them according to your allegiance in succession, and render to them that which is due to them, and ask Allah for that which is due to you. Allah will take them to account in respect of that which is committed to them."

(al-Ahkam al-sultaniyya wa al-wilayat al-diniyya (y-87), (5-6)

@9.25.2 Communal obligation

The caliphate is a Communal obligation (8.3.2) just as the judgeship is: because the Islamic community needs a ruler to uphold the religion, defend the Prophetic practice, succor the oppressed from oppressors, fulfill rights, and restore them to whom they belong.

@9.25.3 Qualifications of a caliph

Grand Shaykh Imam Nawawi said that among the qualifications of the caliph are that he be:

- (a) Muslim, so that he may see to the best interests of Islam and the Muslims: it being invalid to appoint a non-Muslim. It being invalid to appoint a non-Muslim (kafir) to authority, even to rule non-Muslims. Qadi 'Iyad states that there is scholarly consensus (7.7) that it is not legally valid to invest a non-Muslim as caliph, and that if a caliph becomes a non-Muslim (dis: 08.7) he is not longer caliph, as also when he does not maintain the prescribed prayers. This means to both perform them himself and order Muslim to do the same, and summon the people to them, and likewise, according to the majority of scholars if he makes reprehensible innovations (bid'a, def: w-29.3) by imposing an innovation on people that is offensive or unlawful.

If the caliph becomes a non-Muslim, alters the Sacred Law. Such alterations are of two types, one of which consists of his changing the Law by legislating something, which contravenes it while believing in the validity of the provisions of the Sacred Law. This type of injustice does not permit rebellion against him.

The second type consists of imposing rules that contravene the provisions of the religion while believing in the validity of the rules he has imposed, this being disbelief (kufr) or imposes reprehensible innovations while in office, in such case he loses his authority and need no longer be obeyed. It is then that it becomes obligatory for Muslims to rise against him if possible, remove him from office, and install an upright leader in his place. If only some are able, they are obligated to rise up and remove the unbeliever, unless they realize they are unable to do so, however is obligatory on any group who can remove him to do so.

Through it is not obligatory to try to remove a leader who imposes reprehensible innovations unless they believe it possible. If they are certain that they are unable to remove an innovator, there is no obligation to rise against him. Rather, a Muslim in such a case should emigrate from his country, if he can find one better, fleeing with his religion. If he is prevented in his home country from worshiping, then his emigration becomes obligatory.

(b) possessed of legal responsibility (8.8.1): so as to command the people, it being invalid for a child or insane-person to lead :

(c) free: so that others may consider him competent and worthy or respect:

(d) male: to be able to devote himself full-time to the task, and to mix with men, the leadership of a woman being invalid because of the rigorously authenticated (sahih) Prophetic quotations (Ahadith).

"A people that leave its leadership to a woman will never succeed." :

(e) of the Koraysh tribe: because of the well-authenticated (hasan) Prophetic quotation (Ahadith) related by Nasa'i:

"The imams are of the Koraysh."

Which is a Prophetic quotation (Ahadith) attributed to by the companions of the Prophet - may Allah venerate him and give him peace - and those after them.

This qualification is obligatory when there is a member of Koraysh available who meets the other conditions. However, when there is not, then the next most eligible is a qualified member of the Kinana tribe, then of the Arabs, then of the non-Arabs;

(f) capable of expert legal reasoning (ijtihad) as a judge must be (9.22). 1(d) and with even greater need: so as to know the rulings of the Sacred Law, teach people, and not need to seek the legal opinion of others concerning unprecedented events, scholarly consensus (7.7) having been related concerning this condition, which is not contradicted by the statement of the Qadi 'Iyad. The Qadi said, "An ignorant upright person is fitter than a knowledgeable corrupt one," since the former would be able to refer matters requiring expert legal reasoning to qualified scholars, and moreover the remark applies to when the available leaders are not capable of legal reasoning: while possessing the other qualifications for leadership;

(g) courageous: meaning undaunted by danger, that he may stand alone, direct troops, and vanquish foes;

(h) possessed of discernment: in order to lead followers and see to their best interests, religious or this-worldly discernment, meaning at minimum to know the

various capacities of people, sound hearing and eyesight, and the faculty of speech so as to decisively arbitrate matters;

(i) and be upright (9.24.4) as a judge must be, and with even greater need. But it is valid, if forced to, to resort to the leadership of a corrupt person, which is why ibn 'Abd al-Salam says, "If there are no upright leaders or rulers available, then the least corrupt is given precedence".

@9.25.4 Three ways a caliph may be invested with office

The caliphate may legally be effected through three means, the first of which is:

1. by an oath of fealty like the one sworn by the prophetic companions to Abu Bakr – may Allah be well pleased with them - which, according to the soundest position, is legally binding if it is the oath of those with discretionary power to enact or dissolve a pact (ahl al-hall wa al-'aqd) of the scholars, leaders, and notables able to attend. This is because the matter is accomplished through them, and all the people follow them.

It is not a condition that all those with discretionary power to enact or dissolve a pact be present from every remote region, or that there be a particular number present, as the author's words seem to imply. Rather it is if discretionary power to enact or dissolve a pact exists in a single individual who is obeyed, his oath of fealty is sufficient.

As for an oath of fealty from common people without discretionary power to enact or dissolve a pact, it is of no consequence. Those pledging fealty must possess the qualifications necessary to be a witness such as uprightness and so forth (024.2)) (Mughni al-muhtaj ila ma'rifa ma'ani alfaz al-Minhaj (y-73), 4.129-31, and Hawashi al-Shaykh 'Abd al-Hamid al-Sharwani wa al-Shaykh Ahmad ibn Qasim al-'Abbadi'ala Tuhfa al-muhtaj bi sharh al-Minhaj (y-2), 9.74-76).

Mawardi said that when those with power to enact or dissolve a pact meet to select the caliph, they examine the state of the available qualified candidates, giving precedence to the best of them and most fully qualified, whose leadership the public will readily accept and whose investiture people will not hesitate to recognize.

When there is only one person whom the examiners' reasoning leads them to select, they offer him the position. If he accepts, they swear an oath of fealty to him and the supreme leadership is thereby invested in him, the entire Islamic Nation (Umma) being compelled to acknowledge fealty to him and submit in obedience to him. However, if he refuses the caliphal office, not responding to their offer, he is not forced to comply to this is because investiture comes through acceptance and free choice, not compulsion and constraint, whereupon the examiners turn to another qualified candidate (al-Ahkam al-sultaniyya wa al-0-wilayat al-diniyya (y-87), 7-8);

2. Grand Shaykh Imam Nawawi explained that the second means, “through which it may be effected” is by the caliph appointing a successor. This means someone after him, even if it is his descendant or forefather, because Abu Bakr appointed 'Umar – may Allah be well pleased with them - as his successor, and scholarly consensus (7.7) was effected in recognizing its legal validity.

This type of investiture consists of the caliph appointing a successor while still alive, to succeed him after death. Although he is actually the caliph's successor during his lifetime, the successor's disposal of affairs is suspended until the death of the caliph.

If the caliph appoints a group to select a successor from among themselves, it is as if he had appointed a successor, even though the successor has not yet been identified. This resembles an appointment and it is legally binding and obligatory to accept the outcome of their choice so that upon the death of the caliph one of the group is chosen as his successor. This is because 'Umar appointed a committee of six, namely, 'Ali, 'Uthman, Zubayr, 'Abd al-Rahman ibn 'Awf, Sa'd ibn Abi Waqqas, and Talha, to choose his successor from among themselves upon his death and when he died the committee agreed upon 'Uthman – may Allah be well pleased with them;

3. the third means is through seizure of power by an individual who possesses the qualifications of a caliph. Meaning by force, since the interests of the whole might be realized through such a takeover, this being when the caliph is died, or has himself obtained office through seizure of power, i.e. when he lacks some of the necessary qualifications. As for when the office is forcefully taken from a living caliph, then if he himself became caliph through seizure of power, the caliphate of his deposer is legally valid. However, if he became caliph through an oath of fealty (9.25.4(1)) or having been appointed as the previous caliph's successor (9.25.4(2)), then the deposer's caliphate is not legally valid.

A takeover is also legally valid, according to the soundest position, by someone lacking moral rectitude (dis: 9.25.3(i)) or knowledge of Sacred Law (9.25.3(f)): meaning the caliphate of a person lacking either condition is legally valid when the other conditions exist as is the takeover of someone lacking other qualifications, even if he does not possess any of them besides Islam, for if a non-Muslim seizes the caliphate, it is not legally binding, and so too, according to most scholars, with someone who makes reprehensible innovations, as previously mentioned (dis: 9.25.3(a)). The caliphate of someone who seizes power is considered valid, even though his act of usurpation is disobedience, in view of the danger from the anarchy and strife that would otherwise ensue.

@9.25.5 Obligatory character of obedience to the caliph

It is obligatory to obey the commands and interdictions of the caliph or his representative (9.25.7-10) in everything that is lawful. This means that it is obligatory to obey him in everything that is not unlawful, offensive, or in his own

personal interests, even if he is unjust, because of the Prophetic quotation (Ahadith):

“... then he said, ‘I advise you to fear Allah and to hear and obey even if a slave is put in authority over you. Those of you who out lie me will observe many differences. When such time arrives hold fast to my way of life, and the practice of my rightly guided successors (caliphs). Hold on to it by your back teeth – beware of innovations; innovation leads to the wrong path.”

This is also because the purpose of his authority is Islamic unity, which could not be realized if obeying him were not obligatory. It is also obligatory for him to give sincere counsel to those under him to the extent that it is possible.

@9.25.6 Invalidity of a plurality of caliphs

It is not permissible for two or more individuals to be invested with the caliphate at one time, even when they are in different regions, or remote from one another. This is because of the disunity of purpose and political dissolution it entails.

If two are simultaneously invested as caliph, neither caliphate is valid. If invested serially, the caliphate of the first is legally valid and the second is disciplined (9.17) for committing an unlawful act. Those who are aware of the first caliph's investiture but who swear fealty to the second caliph are also subject to disciplinary action (Mughni al-0-muhtaj ila ma'rifa ma'ani alfaz al-Minhaj (y-73), 4.132, and Hawashi al-Shaykh 'Abd al-Hamid al-'Abbadi 'ala Tuhfa al-muhtaj bisharh al-Minhaj (y-2), 9.77-78).

@9.25.7 Delegating authority to those under the caliph

Mawardi said that the authority delegated to a minister of state may be of two kinds, full or limited.

1.. Full ministerial authority is when the caliph appoints as minister an individual who is entrusted with independently managing matters through his own judgement and implementing them according to his own personal reasoning (ijtihad).

Appointing such an individual is not legally invalid, because Allah, the Most High says, quoting His prophet Moses – peace be upon him:

"Appoint for me a minister from my family, Aaron my brother. By him confirm my strength and let him share my task." (Koran 20.29-32), and because if delegating authority is valid in respecting of prophethood, it is also valid regarding the caliphate.

Another reason is that the direction of the Islamic Nation (Umma), which is the caliph's duty, cannot be fully conducted alone without delegating responsibility. Therefore for him to appoint a minister to participate therein is sounder than attempting to manage everything himself. The minister will help keep him from

following his personal caprice and thereby he will be safer from error and mistakes.

The conditions necessary for such a minister are the same as those for a caliph, except that of lineage (dis: 9.25.3 e)). This is because the minister must implement his views and execute his judgements, and must accordingly be capable of expert legal reasoning (ijtihad). He must also possess an additional qualification to those required for the caliphate, namely, by being specially qualified to perform the function to which he is appointed.

2. "Limited ministerial authority" is a lesser responsibility and has fewer conditions. This is because the role of personal judgment therein is confined to the views of the caliph and their implementation. The minister is as it were, an intermediary between the caliph, his subjects, and their appointed rulers. He delivers orders, performs directives, implements judgements, informs of official appointments, musters armies, and informs the caliph of important events, the minister may deal with them as the caliph orders. He is an assistant in carrying out matters and is not appointed to command them or have authority over them. Such a ministry does not require an appointment but only the caliph's permission.

@9.25.8 Regional authorities

When the caliph appoints a ruler over a region or city, the ruler's authority may be of two kinds, general or specific.

The "general" may in turn be of two types, authority in view of merit, which is invested voluntarily; and authority in view of seizure of power, invested out of necessity.

@9.25.9 Authority in view of merit

Authority in view of merit is that which is freely invested by the caliph through his own choice, and entails delegating a given limited function and the use of judgement within a range of familiar alternatives.

This investiture consists of the caliph appointing an individual to independently govern a city or region with authority over all its inhabitants and discretion in familiar affairs for all matters of government, including seven functions:

1. raising and deploying armies on the frontiers and fixing their salaries, if the caliph has not already done so;
2. reviewing laws and appointing judges and magistrates;
3. collecting the annual rate (khiraj) from those allowed to remain on land taken by Islamic conquests, gathering the obligatory charity (zakat) from those who are obliged to pay, appointing workers to handle it, and distributing it to eligible recipients;
4. protecting the religion and that which is sacred, preserving the religion from alteration and substitution;

5. enforcing the prescribed legal measures connected with the rights of Allah and men;
6. leading Muslims at group and Friday prayers, whether personally or by representative;
7. facilitating travel to the pilgrimage for both pilgrims from the region itself and those passing through from elsewhere so that they may proceed to the pilgrimage with all necessary help,
8. and if the area has a border adjacent to enemy lands, an eighth duty arises, namely to undertake jihad against enemies, dividing the spoils of battle among combatants, and setting aside a fifth (9.10.3) for deserving recipients.

@9.25.10 Authority in view of seizure of power

Authority in view of seizure of power, invested out of necessity, is when a leader forcibly takes power in an area over which the caliph subsequently confirms his authority and invests him with its management and rule.

Such a leader attains political authority and management by the takeover, while the caliph, by giving him authorization, is enabled to enforce the rules of the religion so that the matter may be brought from invalidity to validity and from unlawfulness to legitimacy.

If this process is beyond what is normally recognized as true investiture of authority with its conditions and rules, it still preserves the ordinances of the Sacred Law and rules of the religion that may not be left vitiated and compromised (al-Ahkam al-sultaniyya wa al-wilayat al-diniyya (y-87), 25-39).

@*Chapter 9.26.0: The Conclusion of 'GOVERNANCE OF THE TRAVELLER' 'UMDAT AL-SALIK'

@9.26.1 Allah knows best what is correct:

And Allah, the Most High and Glorious knows best what is correct, means that He knows best what actually corresponds to the truth, in word and deed, the author thereby denying the claim to know better.

There is scholarly disagreement as to whether the truth about the rule of Allah for a particular ruling is really one or multiple. Many scholars hold that all positions of qualified mujtahids on a question are correct but in fact, it is one, the Imam who is right about it, may Allah be well pleased with them all, and he receives two rewards, one for his attempt and one for being correct. On the other hand the one who is not, is mistaken, receiving a reward for his effort and being excused for his mistake. All of which applies to particular rulings of Sacred Law (furu'), as opposed to fundamentals of Islamic faith (usul, def: books u and v), in which the person who is wrong about them is guilty of serious sin, as is anyone who contradicts the tenets of the orthodox Sunni Nation (Ahl al-Prophetic practice wa al-Jama'a)

@*BOOK 10: MAJOR SINS (Al Kaba'ir, by Imam al Zhahabi)

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@*Chapter 10.0.0: 'GOVERNANCE OF THE TRAVELLELR - Author's Introduction

@ 'GOVERNANCE OF THE TRAVELLELR `UMDAT AL-SALIK' concerns the major sins alluded to above in the context of court testimony (dis: 024.3), and has been edited from the Kitab al-kaba'ir (Book of Major Sins) of Imam Thahabi.

Imam Thahabi defines an enormous sin as any sin entailing either a threat of punishment in the Everlasting life explicitly mentioned by the Koran or Prophetic

quotations (Ahadith), a prescribed legal penalty (hadd), or being accursed by Allah or His Messenger - may Allah praise and venerate him and grant him peace.

@10.0.1 In the Name of Allah, the Merciful, the Most Merciful.
O Lord, facilitate and help. The Shaykh, Imam, and master of Prophetic quotations (Ahadith) master (hafiz, def: w-48.2 (end)

Shams al-Din Muhammad ibn Ahmad ibn 'Uthman Thahabi (may Allah forgive him) said, "Praise be to Allah for allowing us to believe in Him, His Books, Messengers Angels, and decrees. May Allah bless our Prophet Muhammad, his family, and those who support him, with a lasting blessing that will grant us the abode of Eternity near to him.

This book is useful to gain general and detailed knowledge of the major sins. May Allah, by His Mercy enable us to avoid them.

Allah, the Most High says, "If you avoid the major sins that are forbidden you, We shall pardon your evil deeds and admit you by an entrance of honor." (Koran 4.31). In this verse, Allah, the Most High promises whosoever avoids the major sins will be admitted to Paradise.

The Prophet - may Allah venerate him and give him peace - said, "The five prescribed prayers, and from one Friday prayer to another entail forgiveness for what is between them as long as you do not commit the major sins." Therefore, it is obligatory to learn what they are so that we may avoid them.

@*Chapter 10.1.0: Ascribing associates to Allah, the Most High (Shirk)

@10.1.1 Ascribing associates to Allah, the Most High means to believe that Allah has an equal. It is He alone who has created you, and to worship another with Him, whether it is a statue, human, sun, moon, prophet, shaykh, jinn, star, angel, or other is disbelief.

@10.1.2 Allah, the Most High says: 1. "Allah does not forgive (the sin of inventing an) association with Him, but He forgives other (sins) to whomsoever He will. He who associates with Allah has invented a great sin." (Koran 4.48).

2. "He who associates anything with Allah, Allah has indeed forbidden Paradise to him, and his abode shall be in the Fire." (Koran 5.72).

3. "... to associate others with Allah is a tremendous wrong." (Koran 31.13).

@10.1.3 The Koranic verses concerning this are numerous. There is absolutely no doubt that whosoever ascribes associates to Allah and dies in such a state an inhabitant of Hell, whereas whosoever believes in Allah and dies as a believer is one of the inhabitants of Paradise, even if he should be punished first.

@*Chapter 10.2.0: Killing a human being

@10.2.1 Allah, the Most High says: 1. "The recompense for he who kills a believer deliberately is Gehenna (Hell) he is eternal there. Allah will be angry with him and will curse him and prepare for him a great punishment." (Koran 4.93).

2. "... whoever killed a soul, except for a soul slain, or for sedition in the earth, it should be considered as though he had killed all mankind." (Koran 5.32).

@10.2.2 The Prophet - may Allah venerate him and give him peace - said, "When two Muslims meet with drawn swords, both the slayer and the slain go to Hell." Someone said, "O Messenger of Allah, this is for the slayer. But why the slain?" And he replied, "Because he meant to kill the other."

@*Chapter 10.3.0: Sorcery

@10.3.1 Sorcery is a major sin. The stoned and cursed satan has no other motive for teaching a person sorcery other than he might ascribe associates to Allah (shirk) therefore some who practices sorcery must disbelieve (dis: x-136).

@10.3.2 Allah, the Most High says: 1. "... Wherever he goes the sorcerer does not prosper." (Koran 20.69).

2. "... it is the devils who disbelieved, teaching people magic" (Koran 2.102).

3. "They (the angels Harut and Marut) did not teach anyone, until both had said, 'We have been sent as a trial, do not disbelieve.' From them they learned how they might separate a husband and his wife." (Koran 2.102).

@*Chapter 10.4.0: Not praying

@10.4.0 Allah, the Most High says: 1. But a generation that succeeded them wasted their prayers and followed their desires, so they shall encounter error (Ghayy) ..." (Koran 19.59-60)

Ghayy (a "valley in Hell" (Tafsir al-Jalalayn, 402)

2. "Woe to those who pray, who are heedless of their prayers" (Koran 107.4-5).

3. "What has caused you to be thrust into the Scorching (Fire)? They will reply, 'We were not among those who prayed.'" (Koran 74.42-43).

@10.4.2 The Prophet - may Allah venerate him and give him peace - said, "The agreement that is between us and them is the prayer, whosoever leaves it has disbelieved (dis: w-18.2-5). "

@*Chapter 10.5.0: Not paying the obligatory charity (zakat)

@10.5.1

Allah, the Most High says:

1. "... woe to the idolaters, who do not pay charity and disbelieve in the Everlasting life" (Koran 41.6-7).

1. "Give glad tidings of a painful punishment to those who treasure gold and silver and do not spend it in the Way of Allah. On that Day they (the treasures) will be heated in the fire of Gehenna (Hell).... (Koran 9.34-35).

@*Chapter 10.6.0: Disrespect towards one's parents

@10.6.1 Allah, the Most High says: 1. "Your Lord has ordered you to worship none except Him, and to be good to your parents. If either or both of them attain old age with you, do not say, 'Fie on you', nor rebuke them, but speak to them with words of respect. And lower to them the wing of humbleness out of mercy and say, 'My Lord, be merciful to them, as they raised me since I was little.'" (Koran 17.23-24).

2. "We charged the human to be kind to his parents." (Koran 29.8).

@10.6.2 The Prophet - may Allah venerate him and give him peace - said, "Shall I tell you the worst of the major sin?..." and mentioned among them the undutiful behavior to one's parents.

@*Chapter 10.7.0: Accepting usurious gain (Riba) (def:16.3)

@10.7.1 Allah, the Most High says: "Believer, fear Allah and give up what is still due to you from usury, if you are believers; but if you do not, then take notice of war from Allah and His Messenger. Yet, if you repent, you shall have the principal of your wealth. Neither will you harm nor will you be harmed." (Koran 2.278-279)

@10.7.2 The Prophet - may Allah venerate him and give him peace - said, "May Allah curse him who consumes usurious gain (riba) or feeds it to another." (A curse (la'n) meaning to put someone far from the Divine mercy).

@*Chapter 10.8.0: Wrongfully consumption of an orphan's property

@10.8.1 Allah, the Most High says: 1. "Those who consume the wealth of orphans wrongfully, only consume fire in their bellies, and they shall roast in the Blaze." (Koran 4.10).

2. "Do not touch the wealth of the orphan, except in the fairer manner until he reaches maturity." (Koran 6.152).

@10.8.2 If the orphan's guardian is poor and consumes some of his charge's property without exceeding what is permissible, no harm is done. ("no harm" (la ba's) is a technical term in Sacred Law meaning that it is better not to).

Whatever is in excess of the permissible is absolutely unlawful. Scholars say that the guardian may lawfully only take whichever is less: the amount he needs, or else the wage typically received for work comparable to that performed for the orphan. The criterion of the permissible is whatever is customary among people who are believers free from base, ulterior motives.

@*Chapter 10.9.0: Lying about the Prophet - may Allah venerate him and give him peace

@10.9.1 Some scholars hold that lying about the Prophet - may Allah venerate him and give him peace - is disbelief (kufr) that puts one beyond the border of Islam. There is no doubt that a premeditated lie against Allah and His Messenger - may Allah venerate him and give him peace - that declares something which is unlawful to be permissible or something permissible to be unlawful is pure disbelief. The question as to when it is a major sin rather than outright disbelief only concerns lies about other than that.

@10.9.2 The Prophet - may Allah venerate him and give him peace - said, 1. "A lie about me is not the same as a lie about someone else. Whosoever intentionally lies about me shall take a place for himself in Hell."
2. "Whosoever relates words claiming it is from me, thinking it is a lie, is a liar."

@10.9.3 It is clear from this that narrating a forged (mawdu') Prophetic quotations (Ahadiths) is not permissible.

@10.9.4 (Ibn Kathir:) As for detecting forged Prophetic quotations (Ahadiths), there are many signs that enable one to do so. For example, internal evidence of forgery in wording or content, including poor grammar, corrupt meaning, the mention of incredible rewards for inconsiderable efforts, or inconsistency with what is established in the Koran and rigorously authenticated (sahih) Prophetic quotations (Ahadiths). It is not permissible for anyone to relate such a Prophetic quotations (Ahadiths) except by way of condemning it, to warn an ignorant person or common people who might be deceived thereby.

There are many types of individuals who forge Prophetic quotations (Ahadiths), including those with corrupt convictions about basic tenets of Islamic faith, as well as worshippers who believe they are doing good by making up Prophetic quotations (Ahadiths). For example, making up stories that encourage others to do good, avoid evil, or perform meritorious acts, that such stories may be acted upon (al-Bahith al-hathith sharh Ikhtisar 'ulum al-Prophetic quotations (Ahadiths) (y-61), 78).

@10.9.5 Having discussed lies and forgeries, we must strictly distinguish them from the Prophetic quotations (Ahadiths) category termed "not well authenticated" (da'if, lit. "weak"), so termed because of such factors as having a channel of transmission containing a narrator whose memory was poor, one who was unreliable, unidentified by name, or for other reasons. Such Prophetic quotations (Ahadiths) legally differ from forgeries in the permissibility of ascribing them to the Prophet - may Allah venerate him and give him peace - and in other ways discussed at w-48 below.

@*Chapter 10.10.0: Breaking one's fast during Ramadan

@10.10.1 The Prophet - may Allah venerate him and give him peace – said,
1. "Whosoever breaks a fast-day of Ramadan without an excuse or dispensation could not, if he were to do so, requite it by fasting a lifetime." This means that

making up that day, while obligatory, does not remove the sin, though repentance does. The above Prophetic quotation (Ahadith) is not well authenticated.

2. "The five daily prescribed prayers, and from one Friday prayer to another or from Ramadan to Ramadan, expiate the sins between them as long as the major sins are avoided."
3. "Islam is based on five things, bearing witness that there is no god except Allah and that Muhammad is the Messenger of Allah, performing the prayer, paying the obligatory charity, fasting the month of Ramadan, and the pilgrimage to the House (Kaaba). "

@*Chapter 10.11.0: Fleeing from combat in Jihad

@10.11.1 Allah, the Most High says, "If anyone on that day turns his back to them in flight, except when maneuvering to fight, or to join another party, he shall be laden with the Anger of Allah and Gehenna (Hell) shall be his refuge, an evil arrival." (Koran 8.16).

@*Chapter 10.12.0: Fornication

@10.12.1 Allah, the Most High says, 1. "Do not draw near to fornication, for it is an indecency, and its way is evil." (Koran 17.32).

2. "You shall lash the fornicatress and the fornicator each with a hundred lashes. In the religion of Allah, let no tenderness for them seize you if you believe in Allah and the Last Day" (Koran 24.2).

3. "The fornicator shall marry none but a fornicatress or an idolatress; and the fornicatress none shall marry her but a fornicator or an idolater; that is forbidden to the believers. (Koran 24.3).

@10.12.2 The Prophet - may Allah venerate him and give him peace - said, "As for whosoever fornicates or drinks wine, Allah takes his faith from him as a man takes a shirt off over his head."

@*Chapter 10.13.0: The leader who misleads his followers; the tyrant and the oppressor

@10.13.1 Allah, the Most High says, 1. "The blame is only against those who wrong people, and are wrongfully insolent in the earth, for them there is a painful punishment." (Koran 42.42).

2. "They did not forbid one another from the wrongdoing they were committing. Evil is what they were doing." (Koran 5.79).

@10.13.2 The Prophet - may Allah venerate him and give him peace – said,

1. "All of you are trustees, and each is responsible for those entrusted to his care."

2. "Any superior who misrules his followers shall go to Hell."

3. "There will come corrupt, tyrannous rulers. Whosoever confirms their lies and assists them in their oppression is not of me, nor I of him, and shall not meet me at my watering place in Paradise."

4. "He who shows no mercy will not be shown any."
5. "The worst of your rulers shall be those whom you detest and who detest you, whom you curse and who curse you." They said, "O Messenger of Allah, can we not throw them out?" And he replied, "No, not as long as they maintain the prescribed prayer (dis: 9.25.3(a)) among you."
6. "You will be anxious to lead, and this will be a source of remorse to you on the Day of Judgement."

@*Chapter 10.14.0: Drinking alcoholic beverages

@10.14.1 Allah, the Most High says: 1. "They ask you about intoxicating drink and gambling. Say. 'There is great sin in both....' (Koran 2.219).

2. "Believers, wine and gambling, idols and divining arrows are abominations from the work of satan. Avoid them, in order that you prosper." (Koran 5.90).

@10.14.2 The Prophet - may Allah venerate him and give him peace – said,

1. "Scourge whosoever drinks wine. If he drinks it again, scourge him again. If he drinks it again, scourge him again. If he drinks it a fourth time, kill him."

(The ruling of this Prophetic quotation (Ahadith) was later superseded, for the Prophet - May Allah venerate him and give him peace - was brought a drunkard for a forth time, but did not kill him. This demonstrates that execution of drunkards had been superseded, though the Prophetic quotation (Ahadith) remains a proof that the crime of drunkenness is a major sin.)

2. "Allah has cursed wine, and whosoever drinks it, pours it, sells it, buys it, or presses it for another, presses it for himself, carries it, accepts its delivery, or eats its price."
3. "Whosoever drinks wine in this world shall be forbidden it in the next."

@*Chapter 10.15.0: Arrogance, pride, conceit, vanity and haughtiness

@10.15.1 Allah, the Most High says, 1. "Moses said, 'I take refuge in my Lord and in your Lord from every proud (person), who does not believe in the Day of Reckoning.'" (Koran 40.27).

2. "Allah knows without doubt what they hide and what they make known, He does not love the proud." (Koran 16.23).

3. "That is the Last Abode, We shall assign it to those who desire neither exorbitance in the earth, nor corruption. The outcome is for the cautious." (Koran 28.83).

4. "Do not turn your cheek in scorn away from people, nor walk proudly on the earth; Allah does not love the proud and the boastful." (Koran 31.18).

@10.15.2 The Prophet - may Allah venerate him and give him peace – said,

1. "Tyrants and the arrogant will be raised on the Last Day as grain strewn underfoot that people will walk upon."
2. "No one with the slightest particle of arrogance in his heart will enter Paradise." A man remarked, "But a man likes his clothes to be nice and his sandals good." The Prophet - may Allah venerate him and give him peace - said,

“Indeed, Allah is beautiful and loves beauty. Arrogance is refusing to acknowledge what is right and considering others beneath one’s self.”

3. Allah, the Most High says, “Greatness is My garment and Magnificence is My mantle: whosoever disputes with Me for them I will throw him into Hell.”
3. Salama ibn al-Akwa' recounted that a man was eating with his left hand in the presence of the Prophet - may Allah venerate him and give him peace. The Prophet told him, “Eat with your right hand,” to which the man replied, “I cannot,” though nothing stopped him but arrogance. The Prophet said, “May you not be able to do so.” And the man could never left his right hand to his mouth again.

@10.15.3 The wickedest arrogance is that of someone who exalts himself over people because of is learning and gloats to himself about his superiority. The knowledge of such a person is of absolutely no benefit to him.

Whosoever learns Sacred Knowledge for the sake of the Everlasting life is unsettled by his learning, his heart is humbled and his ego lowered. Such a person lies in wait for his selfishness and never gives it free reign. He constantly takes his ego to task and corrects it. Were he to neglect it, it would diverge from the Right Path and destroy him.

It is of enormous arrogance that a person seeks knowledge through pride or to gain a position of leadership and looks disdainfully at other Muslims, thinking them fools and making light of them, and “no one with the slightest particle of arrogance in his heart will enter Paradise.”

@*Chapter 10.16.0: Bearing false witness

@10.16.1 Allah, the Most High says, “Therefore, avoid the filth of idols and avoid speaking falsely” (Koran 22.30).

@10.16.2 The Prophet - may Allah venerate him and give him peace – said,

1. “On the Day of Judgement, the feet of the person who bore false witness will not stir from their place before they are condemned to Hell.”
2. “Shall I tell you of the worst major sins? Worshipping others with Allah, showing disrespect to parents, giving a false statement, and testifying to the truth of a falsehood.” And he kept repeating it until we were telling ourselves (out of sympathy for him because of the strain of repeating it), “If only he would be silent.”

@*Chapter 10.17.0: Sodomy and Lesbianism

@10.17.1 In more than one place in the Holy Koran, Allah recounts to us the story of Lot's people, and how He destroyed them for their wicked practice. There is consensus among both Muslims and the followers of all other religions - sodomy is a major sin. It is even viler and uglier than adultery.

@10.17.2 Allah, the Most High says: "What, do you come to the males of the world, and leave your wives whom your Lord has created for you? No, but you are a transgressing nation." (Koran 26.165-166).

@10.17.3 The Prophet - may Allah venerate him and give him peace – said, 1. "Kill the one who sodomizes and the one who lets it be done to him."

2. "May Allah curse him who does what Lot's people did."

3. "Lesbianism by women is adultery between them."

@*Chapter 10.18.0: Charging a woman who could be chaste (9.13.2) with adultery

@10.18.1 Allah, the Most High says,

1. "Surely, those who defame chaste, unsuspecting, believing women, shall be cursed in this world and in the Everlasting life, and for them there is a mighty punishment." (Koran 24.23).

2. "Those who accuse chaste women, and cannot produce four witnesses, you shall lash them with eighty lashes..." (Koran 24.4).

@10.18.2 The Prophet - may Allah venerate him and give him peace - said, "Avoid the seven heinous sins..." and he mentioned charging believing, inattentive, innocent women, with adultery.

@10.18.3 As for someone who falsely accuses Lady Ayesha, Mother of the Believers, may Allah be pleased with her, after the Revelation declaring her innocence had been sent down (Koran 24.11-12), such a person is an unbeliever (kafir) and is denying the Koran and must be killed.

@*Chapter 10.19.0: Misappropriating the spoils of war, Muslim funds, or the obligatory charity

@10.19.1 Allah, the Most High says,

"It is not for a Prophet to defraud, whosoever defrauds shall bring that fraud on the Day of Resurrection...." (Koran 3.161).

@10.19.2 The Prophet - may Allah venerate him and give him peace – said, "... By Allah, none of you shall wrongfully take something except that he will meet Allah carrying it on Judgement Day, and I swear I will not recognize any of you who is carrying a grunting camel, the lowing of a cow, or bleating sheep when you meet Allah." Then he lifted his hands and said, "O Allah, have I told them?"

@*Chapter 10.20.0: Taking people's property through falsehood

@10.20.1 Allah, the Most High says,

"Do not consume your wealth between you in falsehood; neither propose it to judges" (Koran 2.188).

@10.20.2 The category of taking another's property through falsehood includes such people that impose non-Islamic taxes (10.32), the highwayman who blocks the road, the thief, the idler, the betrayer of a trust, the cheater or adulterator of trade goods, the borrower who denies having borrowed something, the person who stints when weighing or measuring out goods, the person who picks up lost and found property and does not give notice of having found it, the person who sells merchandise with a hidden defect, the gambler, and the merchant who tells the buyer that the merchandise cost more than it did.

@10.20.3 The Prophet - may Allah venerate him and give him peace – said,
1. "Whosoever appropriates the breadth of a hand of land through falsehood shall be made to carry it, as thick as seven earths, around his neck on judgement Day."
2. "For someone to delay repayment of a debt when he is able to pay is an injustice."
3. A man said, "O Messenger of Allah, will my mistakes be forgiven me if I am killed, in steadfastness and anticipating the reward of Allah, advancing and not retreating?" He replied, "Yes, except for debts."
4. "Flesh nurtured on ill-gotten wealth will not enter Paradise. The fire of Hell has a better right to it."
5. "There is a record that Allah will not ignore in the slightest bit. It is the oppression of the worshippers of Allah."

@10.20.4 Oppression is of three types. The first is consuming property through falsehood; the second, oppression of the worshippers of Allah by killing, hitting, breaking bones or causing wounds; and the third, oppressing them through spoken abuse, cursing, reviling, or accusing them of adultery or sodomy without proof.

The Prophet - may Allah venerate him and give him peace - said in an address to the people at Mina, "Indeed, your blood, property, and reputation are as inviolable to one another as the inviolability of this day, this month, and this City of yours."

@*Chapter 10.21.0: Theft

@10.21.1 Allah, the Most High says,

"As for the man or woman who is guilty of theft, recompense them by cutting off their hands for their crimes. That is the punishment from Allah. Allah is Mighty, Wise." (Koran 5.38).

@10.21.2 The Prophet - may Allah venerate him and give him peace – said,

1. "Allah curses the thief whose hand is cut for stealing a rope."
2. "If Fatima, the daughter of Muhammad stole, I would cut off her hand."

@10.21.3 A thief's repentance is of no benefit to him until he returns whatever he stole (dis: 10.77.3). If he is without money, he must have the victim absolve him of financial responsibility.

@*Chapter 10.22.0: Highwaymen who menace the road

@(A: The amount of money they ask makes no difference, it being money taken through falsehood are all measures imposed upon travelers without their free choice, such as tariffs, mandatory currency exchange, visa fees, and so forth.)

@10.22.1 Allah, the Most High says,

"The recompense of those who make war against Allah and His Messenger and spread corruption in the land is that they be killed or crucified, or have their hand and foot cut off on opposite sides, or be expelled from the land. For them is shame in this world and a great punishment in the Everlasting life." (Koran 5.33).

@10.22.2 Just making people feel that the way is unsafe is to commit a major sin, so how then if such a person should take money?

@*Chapter 10.23.0: The engulfing oath

@10.23.1 An engulfing oath is one in which there is premeditated lying. It is termed engulfing because it overwhelms its swearer in sin.

@10.23.2 The Prophet - may Allah venerate him and give him peace – said,

1. "The major sins are worshipping others with Allah, showing disrespect to parents, killing a human being, and the engulfing oath."
2. "A man once said, 'By Allah, Allah will not forgive so-and-so.' Allah said, 'Who is it that swears I must not forgive so-and-so? I forgive him and annul all your works.'"

@*Chapter 10.24.0: Inveterate liar

@10.24.1 Allah, the Most High says,

1. "Allah does not guide the lying sinner." (Koran 40.28).
2. "Woe to the liars" (Koran 51.10).

@10.24.2 The Prophet - may Allah venerate him and give him peace – said,

1. "Lying leads one to wickedness and wickedness leads one to Hell. A man keeps lying until Allah records that he is an inveterate liar."
2. "The marks of a hypocrite are three: when he speaks he lies, when he makes a promise he breaks it, and when entrusted with something he betrays the trust."
3. "A believer's natural disposition might comprise any trait other than treachery and untruthfulness."

@*Chapter 10.25.0: Suicide

@10.25.1 Allah, the Most High says,

"... And do not kill yourselves. Allah is the Most Merciful to you. But whosoever does that in transgression and wrongfully We shall roast him in the Fire. That is an easy matter for Allah." (Koran 4.29-30).

@10.25.2 The Prophet - may Allah venerate him and give him peace – said,

1. "Of those before you, there was once a wounded man who could not bear it, so he took a knife and cut his arm, and bled to death. Allah, the Most High said, 'My worshipper has taken his life before I have, so I forbid him Paradise.'"
2. "Whosoever kills himself with a knife will abide forever in the Fire of Hell, and perpetually stab himself in his belly with it. Whosoever kills himself with poison will abide forever in the Fire of Hell, poison in hand, perpetually drinking of it."

@*Chapter 10.26.0: The bad judge

@10.26.1 Allah, the Most High says,

1. "... Those who do not judge with what Allah has sent down are the unbelievers." (Koran 5.44).
2. "Those who hide the clear verses and the guidance We have sent down after We have clarified them in the Book for the people shall be cursed by Allah and cursed by the cursers." (Koran 2.159).

@10.26.2 The Prophet - may Allah venerate him and give him peace – said,

1. "One judge shall go to Paradise, and two to Hell. The judge who knows what is right and judges accordingly shall be in Paradise. The one who knows what is right but intentionally judges unjustly will go to Hell, and so will the judge who judges without knowledge."

Anyone who judges without knowledge or evidence from Allah and His Messenger – may Allah venerate him and give him peace - regarding the matter he gives an opinion on is subject to this threat.

2. Also the Prophet said as reported in Abu Dawood "Whosoever is appointed to judge between people is as though he was slaughtered without a knife."

@10.26.3 It is unlawful for a judge to rule on a case when angry, especially at a litigant. When a judge's qualities combine an insufficiency of Sacred Knowledge, unworthy intention, bad disposition, and lack of caution, then his destruction is complete and he must resign and hasten to save himself from Hell.

@*Chapter 10.27.0: Permitting one's wife to fornicate

@10.27.1 Allah, the Most High says,

"... and the fornicatress, none shall marry her but a fornicator or idolater; that is forbidden to the believers." (Koran 24.3).

@10.27.2 The Prophet - may Allah venerate him and give him peace - said,

"Three will not enter Paradise, he who is disrespectful to his parents, he who lets his wife fornicate with another, and women who affect masculinity."

@10.27.3 Someone who suspects his wife of indecency but pretends not to know because he loves her is not as bad as someone who actually pimps for her. There is no good in a man without jealousy for his rights.

@*Chapter 10.28.0: Masculine Women and Effeminate Men

@10.28.1 The Prophet - may Allah venerate him and give him peace – said,

1. “Men are already destroyed when they obey women.”
2. The Prophet - may Allah venerate him and give him peace - cursed effeminate men and masculine women.
3. The Prophet - may Allah venerate him and give him peace - cursed men who wear women's clothing and women who wear men's.

@*Chapter 10.29.0: Marrying solely to return to the previous husband

@10.29.1 The Prophet - may Allah venerate him and give him peace - cursed to man who marries a woman after her divorce solely to permit her first husband to remarry her (dis: 19.7.7) and cursed the first husband.

@*Chapter 10.30.0: Consumption of the flesh of an animal found dead, blood, pork and that slaughtered to false gods

@10.30.1 Allah, the Most High says,

"Say: 'I find nothing in what has been revealed to me that forbids any one to eat of any food except the dead, running blood, and the flesh of swine for these are unclean and that which has been hallowed in its slaughter to other than Allah....'" (Koran 6.145).

@10.30.2 Whosoever intentionally eats these when not forced by necessity is committed a major sin.

@*Chapter 10.31.0: Failing to free oneself of all traces of urine

@10.31.1 Allah, the Most High says,

"and purify your clothing," (Koran 74.4).

@10.31.2 The Prophet - may Allah venerate him and give him peace – said,

1. As he passed by two graves, “The two are being punished, and not from anything excessive, one did not free himself of traces of urine, while the other was a talebearer (4.3).”
2. “Take care to remove all vestiges of urine from your persons, because it is the main reason for punishment in one's grave.”

The prayer of someone who does not protect his person and clothing from urine is not accepted.

@*Chapter 10.32.0: Collecting taxes

@(A: Meaning to collecting revenues other than those which are legal or obligatory by the Sacred Law such as the obligatory charity of Ramadan, the non-Muslim poll tax (jizya, def: 9.11.4), or the spoils of war (9.10).)

@10.32.1 Such people are among those meant by the words of Allah, the Most High,
“The blame is only against those who wrong people, and are wrongfully insolent in the earth, for them there is a painful punishment.” (Koran-42.42).

@10.32.2 And in the Prophetic quotations (Ahadiths) of the adulteress who purified herself by voluntarily being stoned to death, there is the Prophet's remark - may Allah venerate him and give him peace - “Her repentance was so sincere that if even a tax taker repented with the like of it, he would be forgiven.”

@10.32.3 Whosoever imposes taxes resembles a highway robber and is worse than a thief. But whosoever burdens the people by imposing new levies on them, is more tyrannous and oppressive than someone unjust to his subjects while treating them kindly.

Those who gather taxes, who do the clerical work, or who accept the proceeds, such as a soldier, shaykh, or head of a Sufi center (zawiya) -all bear the sin, and are consuming ill-gotten wealth (dis:w-49).

@*Chapter 10.33.0: Showing off in good works

@10.33.1 Allah, the Most High says,

1. “The hypocrites seek to deceive Allah, but Allah is deceiving them. When they stand up to pray, they stand up lazily, showing off to the people and do not remember Allah, except a little,” (Koran 4.142).
2. “Believers, do not annul your charitable giving with reproach and hurt, like he who spends his wealth to show off to the people ... “ (Koran 2.264).

@10.33.2 The Prophet - may Allah venerate him and give him peace – said,
“One of the first men to be judged on the Day of Judgement will be one who was martyred. He will be summoned and shown all the bounties that were bestowed upon him. He will recognize them and asked, ‘How did you use them?’ He will reply, ‘I fought in Your Way and was martyred.’ He will be told, ‘You lie, rather, you fought so that it might be said you were brave; and so it said.’ Then he will be subjected to the order and dragged upon his Face until he is thrown into the Fire.

Then a man will be brought who had acquired knowledge, taught it and recited the Koran. He will be summoned and shown the bounties bestowed upon him. He will recognize them and asked, ‘How did you use them?’ He will reply, ‘I acquired knowledge, taught it and recited the Koran for Your Sake.’ He will be told, ‘You lie, rather, you acquired knowledge so that you might be called a knowledgeable person and recited the Koran so that you might be called a reciter

and so it was said.' Then he will be subjected to the order and dragged upon his face until he is thrown into the Fire.

A man will be brought on whom Allah will have bestowed plenty and every type of wealth. He will be shown the bounties bestowed on him. He will recognize them and asked, 'How did you use them?' He will say, 'I spent upon every one of the causes that are loved to be spent upon and left none in order to win Your pleasure.' He will be told, 'You lie, rather, you did all that so that you might be called generous; and so it was said.' Then he will be subjected to the order and dragged upon his face until he is thrown into the Fire."

2."The slightest bit of showing off in good works is as if worshipping others with Allah."

@10.33.3 (A: When a worshipper intend to conceal an act of obedience and Allah makes it know, then one should be grateful for His blessings and acknowledge it to others and thank Allah. For example if one is fasting and others are not, then one should say when others become aware of one's fast, "Praise be to Allah (Al-Hamdulillah).

@*Chapter 10.34.0: Betrayal

@10.34.1 Allah, the Most High says,

"Believers, do not betray Allah and the Messenger, nor knowingly betray your trust." (Koran 8.27).

@10.34.2 The Prophet - may Allah venerate him and give him peace – said, "Someone who cannot keep a trust is devoid of faith. Someone who cannot keep an agreement is devoid of religion."

@10.34.3 Betrayal in any form is very ugly, but in some matters it is worse than others. A person who cheats one for a pittance is not like a person who betrays one concerning one's wife and money.

@*Chapter 10.35.0: Learning Sacred Knowledge for the sake of worldly gain, or for concealment

@ Learning Sacred Knowledge for the sake of worldly gain means the knowledge was not learned for the sake of Allah but rather for personal worldly ambition or advantage. (dis: 1.3.1).

@10.35.1 Allah, the Most High says, 1. "But it is only those amongst His worshippers that fear Allah who have knowledge." (Koran 35.28).

2. "Those who conceal what Allah has sent down of the Book and sell it for a small price shall swallow nothing but fire into their bellies." (Koran 2.174).

3. "When Allah took a covenant with those to whom the Book was given (saying), 'You shall make it clear to the people, and not conceal it.' But they threw it behind their backs and they bought with it a little price." (Koran 3.187).

@10.35.2 The Prophet - may Allah venerate him and give him peace - said, "Anyone who seeks Sacred Knowledge to compete with scholars, argue with fools, or win people's hearts will go to Hell."

@10.35.3 Hilal ibn al-'Ala' said, "Seeking Sacred Knowledge is arduous, learning it is harder than its seeking, applying it is harder than its learning, and remaining safe from it is even harder than applying it."

@*Chapter 10.36.0: Reminding recipients of one's charity

@10.36.1 Allah, the Most High says,

"Believers, do not annul your charitable giving with reproach and hurt, like he who spends his wealth to show off to the people " (Koran 2.264).

@10.36.2 The Prophet - may Allah venerate him and give him peace - said, "There are three to whom Allah will not speak on the Day of Judgement, nor will He look at them or purify them" He repeated this three times. Abu Tharr said, "They are lost and ruined! Who are they, O Messenger of Allah?" He replied, "One who lengthened his garments on account of pride, one who boasts of favors done to another, and one who promotes the sale of his wares with a false oath."

@*Chapter 10.37.0: Disbelief in predestination (Qadr)

@10.37.1 Allah, the Most High says,

1. "Indeed, We have created all things according to a measure." (Koran 54.49).
2. "When it is Allah who created you and all that you do?" (Koran 37.96).
3. "None can guide those whom Allah leaves in error." (Koran 7.186).
4. "With knowledge, Allah has led him astray." (Koran 45.23).
5. "Yet you will not unless Allah wills...." (Koran 76.30).
6. "And inspired it with its sin and its piety" (Koran 91.8).

@10.37.2 The Prophet - may Allah venerate him and give him peace , was asked and said,

1. "... then the inquirer said, 'Tell me about faith.' To this the Prophet replied, 'It is that you believe in Allah, His Angels, His Books, His Messengers, the Last Day, and that you believe in predestination' (that which Allah has decreed)...." (qadr, def: 5.3.7-8).
2. "There are six whom Allah curses, and I curse, and who are cursed by every prophet whose supplications are answered. Whosoever denies that Allah has predestined everything. Whosoever who adds anything to the Book of Allah. Whosoever rules arrogantly. Whosoever considers what Allah has prohibited to be lawful. Whosoever who deems it permissible to treat my family in ways that have been forbidden by Allah (such as insulting or reviling them), and whosoever abandons my ways (through disdain)."

@*Chapter 10.38.0: Listening to people's private conversations

@10.38.1 Allah, the Most High says, "Neither spy" (Koran 49.12).

@10.38.2 The Prophet - may Allah venerate him and give him peace - said, "Whosoever listens to people who are averse to his listening shall have molten lead poured into his ears on the Day of Judgement."

@10.38.3 In some cases this may not be an enormous sin (dis:4.6.4).

@*Chapter 10.39.0: Cursing others (dis:4.38)

@10.39.1 The Prophet - may Allah venerate him and give him peace – said,

1. "Cursing a believer is like killing him."
2. "When a person curses something the curse ascends to heaven and against it, all the gates of heaven are closed. Then it descends to the earth and against it the gates of the earth are closed. Then it turns right and left and when it finds no exit it turns to the one who has been cursed and attaches itself to him if he is deserving, but if it does not, then it rebounds to the one who made the curse."
3. "Once when the Messenger of Allah, may Allah venerate him and give him peace, was on a journey, a woman from the tribe of Ansar who was riding a she-camel abused and cursed it. The Prophet heard her and said, 'Remove the load from the she-camel and turn it loose because it has been cursed.'"

@*Chapter 10.40.0: Leaving one's leader

@10.40.1 Allah, the Most High says,

"And keep your promise. Surely, the promise will be questioned." (Koran 17.34).

@10.40.2 The Prophet - may Allah venerate him and give him peace – said, "He who obeys me obeys Allah, and he who disobeys me disobeys Allah. He who obeys the leader obeys me, and he who disobeys the leader disobeys me."

(The leader referred to in the Prophetic quotation (Ahadith) is the Caliph of the Muslims or his authorized representative (dis: 9.25.5). Whenever there is a group of three or more Muslims, it is Prophetic practice for a leader (amir) to be chosen. It is Prophetic practice to obey such a leader, and leaving him or not obeying him contravenes what is recommended, but is not unlawful.)

@*Chapter 10.41.0: Believing in fortune-tellers or astrologers

@10.41.1 Allah, the Most High says,

1. "Do not follow what you do not know." (Koran 17.36).
2. "He is the Knower of the Unseen, and does not disclose His Unseen to anyone (dis: w-60.1), except only to a Messenger that He has chosen." (Koran 72.26-27).

@10.41.2 The Prophet - may Allah venerate him and give him peace – said,:

1. "Whosoever goes to a 'psychic' ('arraf) or fortune-teller and believes what he says has disbelieved in what has been revealed to Muhammad."
2. "Allah, the Most High says, 'One of My worshippers reaches daybreak a believer, another an unbeliever. He who says, 'We have received rain by the

grace of Allah,' is a believer in Me and a disbeliever in the planets. But he who says, 'We have received rain by the effects of such-and-such a mansion of the moon,' is an unbeliever in Me and a believer in planets. "(dis: 08.7(17)).

3. "Whosoever goes to a 'psychic,' asks him about something, and believes him, will not have his prayer accepted for forty days."

@*Chapter 10.42.0: A rebellious wife (17.10.12)

@10.42.1 Allah, the Most High says,

"Men are the maintainers of women for that Allah has preferred in bounty one of them over another, and for that they have spent of their wealth. Righteous women are obedient, guarding in secret that which Allah has guarded. Those whom you fear rebelliousness, admonish them and desert them in the bed and smack them (without harshness). Then, if they obey you, do not look for any way against them. Allah is High, Great." (Koran 4.34).

@10.42.2 Gratitude of a wife

The Prophet - may Allah venerate him and give him peace – said,

1. "Allah will not look at a woman who is ungrateful to her husband, for she cannot do without him."
 2. "When a husband calls his wife to his bed and she does not come and he spends the night angry with her, angels curse her throughout the night."
- [Closing the door of divorce and fornication]
3. "It is not permissible for a woman to fast voluntarily when her husband is at home, unless he gives her permission. Nor should she permit anyone to enter his house without his permission."
 4. "Whosoever leaves her husband's house (without his permission), the angels curse her until she returns or repents."

(Khalil Nahlawi says:) It is a condition for the permissibility of her going out (dis: m 10.3-4) that she take no measures to enhance her beauty, and that her figure is concealed or altered to a form unlikely to draw the attention of men or attract them, Allah, the Most High says,

"Stay in your homes and do not display your finery as pagan women used to do in the olden Days of Ignorance." (Koran 33.33). (al-Durar al-mubaha (y-99), 160)

@*Chapter 10.43.0: Severing ties of kinship

@ Maintaining the bonds of kinship (silat al-rahim), means politeness, kind treatment, and concern for all one's relatives, even if distantly related, corrupt, non-Muslim, or unappreciative and is the opposite of severing ties of kinship.

@10.43.1 Allah, the Most High says, "Could it be, that if you turn away, you might make corruption in the land and break the ties of kinship? Such are those whom Allah has cursed, making them deaf and blinding their eyes." (Koran 47.22-23).

@10.43.2 The Prophet - may Allah venerate him and give him peace – said,

1. "Whosoever severs his family ties will not enter Paradise."

2. "Whosoever believes in Allah and the Last Day, let him maintain the bonds of kinship."

@*Chapter 10.44.0: Making Pictures

@10.44.1

The Prophet – may Allah venerate him and give him peace – said,

1. "Every maker of an image (of a living being) will go to the fire, where a being will be set upon him for each image (of a living being) he made, to torment him in hell."
2. "Whosoever paints a portrait of a person will be punished and called upon to breathe into it a soul which he will not be capable of doing."

@*Chapter 10.45.0: The talebearer who stirs up enmity between people (dis:4.3)

@10.45.1 Allah, the Most High says, "And do not obey every mean swearer, the backbiter, who goes about slandering." (Koran 68.10-11).

@10.45.2 The Prophet - may Allah venerate him and give him peace – said,

1. "He who stirs up enmity among people by quoting their words to each other will not enter Paradise."
2. "You will find the best people among those in authority are those who detest two-faced people – they are the worst of people, approaching one person with one face and another with a different face."
3. "Do not tell me anything about my Companions, for I want to meet them without disquiet in my heart."

@*Chapter 10.46.0: Loudly lamenting the dead

@10.46.1 The Prophet - may Allah venerate him and give him peace - said, "Whosoever slaps his cheeks, ripe his pockets, or calls out the cries of the pre-Islamic period of ignorance is not of us."

@*Chapter 10.47.0: Attacking another's ancestry

@10.47.1 The Prophet - may Allah venerate him and give him peace - said, "Two qualities in people are unbelief: attacking another's ancestry, and wailing over the dead."

@*Chapter 10.48.0: Excesses against others

@10.48.1 Allah, the Most High says,

"The blame is only against those who wrong people, and are wrongfully insolent in the earth, for them there is a painful punishment." (Koran 42.42).

@10.48.2 The Prophet - may Allah venerate him and give him peace - said,

1. "Allah has revealed to me that you are all to be humble towards to one another, such that no one transgresses against or exalt himself above the other."
2. Malik Rahawi said, "O Messenger of Allah, I have been given of beauty that which you see, and I do not like anyone to wear sandals that are better than

mine, is this a transgression?" He answered, "This is not a transgression, which consists of refusing to admit to the truth and considering people inferior."

3. "A woman was punished for a cat she imprisoned until it died. For this she was sent to Hell because she neither fed nor watered it, and confined so it was not able to hunt for small creatures of the earth."

4. "Allah will certainly punish those who punish people in this world."

@*Chapter 10.49.0: Armed insurrection and considering Muslims to be unbelievers

@: The early Kharijite sect committed these transgressions.

@10.49.1 Allah, the Most High says,

1. "... do not aggress, Allah does not love the aggressors." (Koran 2.190).

3. "Whosoever disobeys Allah and His Messenger strays into clear error." (Koran 33.36).

4.

@10.49.2 The Prophet - may Allah venerate him and give him peace - said, "If someone says to his Muslim brother, 'You unbeliever,' then one of them deserves the name."

@*Chapter 10.50.0: Hurting or reviling Muslims

@10.50.1 Allah, the Most High says, 1. "Those who hurt believing men and women undeservedly, shall bear the guilt of slander and a major sin." (Koran 33.58).

2. "Neither spy nor backbite one another...." (Koran 49.12).

3. "Woe to every backbiter, slanderer." (Koran 104.1).

5. "Those who love indecency should be broadcast about those who believe theirs is a painful punishment in this world and in the Everlasting life..... " (Koran 24.19).

@10.50.2 The Prophet - may Allah venerate him and give him peace – said,

1. "A Muslim is the brother of the Muslim. He neither oppresses him, hangs back from coming to his aid, nor belittles him. It is sufficiently wicked for someone to demean his fellow Muslim."

2. "By Allah he does not believe! By Allah he does not believe! By Allah he does not believe! He was asked, 'Who doesn't believe, O Messenger of Allah?' He replied, 'The one whose neighbor is not safe from his mischief! Against their neighbor will not enter Paradise.'"

3. Someone said, "O Messenger of Allah, so-and-so spends her nights praying and her days fasting, but there is something in her tongue that maliciously injures her neighbors." He replied, "There is no good in her, she will go to Hell."

4. "On the night of my Ascent I passed by some people whose nails were made of copper and they were scratching their faces and chests with them. I

inquired from Gabriel, 'Who are those?' He replied, 'They are people who ate the flesh of men (slandered) and calumniated their honor'"

5. "No man charges another with corruption or disbelief, except that the charge returns against himself if the other is not as he said."
6. "Do not reproach or abuse the dead because they have reached that which they forwarded."

@*Chapter 10.51.0 Harming the friends (Awliya`) of Allah, the Most High
@10.51.1 Allah, the Most High says, "Those who (try to) hurt Allah and His Messenger shall be cursed by Allah in this present life and in the Everlasting life, and He has prepared for them a humbling punishment." (Koran 33.57).

@10.51.2 1. The Prophet - may Allah venerate him and give him peace – said,
2. "Abu Bakr, if you anger them (some of the poorer Emigrants), you anger your Lord."

3. "Allah, the Most High says, 'I declare war against he who is hostile to a friend (wali) of Mine. For My worshipper approaches Me with nothing more beloved to Me than what I have made obligatory upon him, and My worshipper keeps drawing nearer to Me with voluntary deeds until I love him. And when I love him, I am his hearing with which he hears, his sight with which he sees, his hand with which he seizes, and his foot with which he walks. If he asks Me, I surely give to him, and if he seeks refuge in Me, I surely protect him.'"

This Prophetic quotations (Ahadith) is explained in detail at w-33, which discusses the friends (awliya') of Allah, the Most High.)

@10.51.2 2. Contemporary Wahabis also known as khaeijite

Contemporary khaeijite are the Wahabi (Kharijies) who are disguised under many names such as "salafi" which is a lie for salafi lived over 1300 years ago,

Also they use the name "Ansar as sunnah", which, again is another lie since they never produced a single muhadith generation nor they transmit hadith.

Wahabi when they printed Ibn Hajar book they removed his critique of their first founder Ibn Taimiyya in his faith which is contrary to Muslims's faith, that book is the best book of the explanation of Bukhari.

This wahabi act brands them in sunna science (as liars), how come they are claiming that they are supportive of the sunnah while they are liars and support no hadith system rather a kingdom.

They also follow two men and they have not a single hafiz of hadith in their ranks. Even the second of the two men, namely Wahab lead heinous massacres of Muslims in Mecca and Madina, whereupon his own father and brother

denounced and disowned him in writing. Wahabi's followers to date, never regret that blood shed. It is no wonder that their cleric supported the 14 Saudi 9/11 offenders.

Regarding the other man, they fabricated a title for him called "shaykh al islam" which is neither in Koran nor Hadith, and they disowned all the traditional masses of scholars. Though the worst thing is that their faith (Iman) in the Prophet is 'conditional' on their two kharijite leaders. No Wahabi (Kharijites) person will ever abandon either of these two men when it comes to believing or following the Prophet, as they hypocritically hide in each statement of their witnessing "Muhammad is the messenger of Allah." It is as if they are in a spiritual marriage with these two men.

Besides, they called themselves the "tawheed such and such group" as if the rest of the Muslims are not. Depriving the Prophet from his 1.5 Billion followers and claiming that wahabis are the saved nation. Indeed the Prophetic saying above prophesied the truth regarding such a claim – see also last chapter on Wahabi (Kharijites) at the end of the book.

@*Chapter 10.52.0: Dragging the hem of one's garment out of conceit

@10.52.1 Allah, the Most High says, "... nor walk proudly on the earth; Allah does not love the proud and the boastful." (Koran 31.18).

@10.52.2 The Prophet - may Allah venerate him and give him peace – said,

1. The loin cloth of a Muslim should be to the mid-calf, but there is no harm if it is above the ankles. That which hangs below the ankles is in the Fire. Allah will not look at one who lengthens his loin cloth through pride."

2. "While a man was walking along in a new set of clothes, with a swagger to his step, pleased with himself, and his hair combed down, Allah caused the earth to swallow him, and he will keep sinking until the Last Day."

@*Chapter 10.53.0: Men wearing silk or gold

@10.53.1 Allah, the Most High says, "... but the clothing of piety, that is better..... (Koran 7.26).

@10.53.2 The Prophet - may Allah venerate him and give him peace – said,

1. "Silk is worn by he who has no share in the Everlasting life."

2. "Wearing silk or gold has been made unlawful for the males among my followers but they are lawful to females."

@*Chapter 10.54.0: Slaughtering in other than the Name of Allah

@10.54.1 Allah, the Most High says,

"Do not eat from that which the Name of Allah has not been mentioned, for it is a sin...." (Koran 6.121).

@10.54.2 “May Allah curse whosoever slaughters in other than the Name of Allah.”

The Prophet - may Allah venerate him and give him peace - said,
“May Allah curse whosoever slaughters in other than the Name of Allah.”

@*Chapter 10.55.0: “May Allah curse whosoever changes the land's property-line markers.”

Intentionally changing property-line markers

@10.55.1 The Prophet - may Allah venerate him and give him peace - said,
“May Allah curse whosoever changes the land's property-line markers.”

@*Chapter 10.56.0: Degrading the companions of the Prophet (Sahaba)

@10.56.1

The Prophet - may Allah venerate him and give him peace - said,
“The curse of Allah is upon whosoever reviles my companions.”

@10.56.2 that none shall love me except a believer

'Ali ibn Abi Talib (May Allah be pleased with him) said,

“By Him who cleaves the seed and creates the soul, it is the solemn word of the Illiterate Prophet to me that none shall love me except a believer, and none hate me except a hypocrite.”

@*Chapter 10.57.0: Degrading the Medinan Helpers (Ansar)

@10.57.1 “The sign of faith is love of the Helpers (Ansar),

The Prophet - may Allah venerate him and give him peace - said,

“The sign of faith is love of the Helpers (Ansar), and the sign of hypocrisy is hatred of the Helpers.”

@*Chapter 10.58.0: Inaugurating a reprehensible innovation (Bid`a) (def:w-29.3)

@10.58.1 “He who calls others to mis-guidance is guilty of a sin equal to the sins
The Prophet - may Allah venerate him and give him peace – said,

1. “He who calls others to mis-guidance is guilty of a sin equal to the sins of all who follow him therein without this diminishing their own sins in the slightest.”

2. “He who inaugurates a good Prophetic practice [custom] in Islam earns the reward of it and of all who perform it after him without diminishing their own rewards in the slightest. And he who introduces a bad Prophetic practice is guilty of the sin of it and of all who perform it after him without diminishing their own sins in the slightest.”

@*Chapter 10.59.0: Women wearing false hair and the like

@10.59.1 “Allah has cursed women who wear false hair and its implanters, and tattoists

The Prophet - may Allah venerate him and give him peace - said,

“Allah has cursed women who wear false hair and its implanters, and tattoists or those who are tattoed. Those women who have their teeth filed for beauty, those who have their hair plucked and thus alter the creation of Allah.”

The removal of women’s facial hair is discussed in w-51.

@*Chapter 10.60.0: Pointing a blade at one's brother

@10.60.1 The Prophet - may Allah venerate him and give him peace – said,
“Whosoever points a sharp edged weapon at a brother is cursed by the angels till he throws down the weapon; even if the other person is his blood brother.”

@*Chapter 10.61.0: Falsely claiming someone is one's father

@10.61.1 The Prophet - may Allah venerate him and give him peace – said,
1. “Paradise is forbidden to whosoever falsely claims someone is his father, knowing he is not.”
2. “Do not wish for fathers other than your own. For someone to wish for a different father is disbelief.”

@*Chapter 10.62.0: Believing that something brings bad luck

@10.62.1 "Belief in a bad omen is polytheism (shirk)."
The Prophet - may Allah venerate him and give him peace - said,
"Belief in a bad omen is polytheism (shirk)."

@*Chapter 10.63.0: Drinking from gold or silver vessels

@10.63.1 Not to wear silk or brocade and to drink from gold or silver cups
The Prophet - may Allah venerate him and give him peace – said,
1. The Prophet, may Allah venerate him and give him peace , forbade the companions to wear silk or brocade and to drink from gold or silver cups saying, ‘These are for them (the unbelievers) in this world and for you in the Everlasting Life.’”
2. “Whosoever drinks from a gold or silver vessel kindles the fire of hell in his belly.”

@*Chapter 10.64.0: Arguing, picking apart another's words, and quarrelling

@10.64.1 They did not mention him [Jesus] to you except to dispute
Allah, the Most High says,
1. “...They did not mention him [Jesus] to you except to dispute, truly, they are a contentious nation.” (Koran 43.58).
2. “(As for) those who dispute the verses of Allah without authority having been given to them, there is nothing in their chests but pride; that, they shall never attain.” (Koran 40.56).

@10.64.2 1. “The man most hated by Allah is the obstinate arguer.

The Prophet - may Allah venerate him and give him peace – said,
1. “The man most hated by Allah is the obstinate arguer.”

2. "No people went astray after having been guided except that they were afflicted with arguing."
3. "Arguing over the Koran is unbelief."
4. "He who presses for something he knows is false remains under the hatred of Allah until he gives it up."
5. "The thing I fear most for my nation is the eloquent hypocrite."
7. "Modesty and being at a loss for words are two components of true faith, while vulgarity and long-windedness are two components of hypocrisy."

@*Chapter 10.65.0: Miserliness when weighing or measuring out goods

@10.65.1 Woe to the diminishers in measure

Allah, the Most High says,

"Woe to the diminishers who, when people measure for them take full measure, but when they measure or weigh for others, they reduce! Do they not think that they will be resurrected for a great Day, the Day when people will stand before the Lord of the Worlds?" (Koran 83.1-6).

@10.65.2 This is a type of theft, betrayal, and consuming of others property through falsehood.

@*Chapter 10.66.0: Feeling secure from the devising of Allah

@10.66.1 None feels safe from the devising of Allah except the loosing nation

Allah, the Most High says,

1. "...None feels safe from the devising of Allah except the loosing nation." (Koran 7.99).
2. "...until just as they were rejoicing in what they were given, We suddenly seized them" (Koran 6.44).
3. "Those who do not expect to meet Us, and are well-pleased with this life and are satisfied with it, and those who are inattentive to Our signs, for them, their refuge is the Fire for what they have been earning." (Koran 10.7-8).

@*Chapter 10.67.0: Despairing of the Mercy of Allah and loss of hope

@10.67.1 Do not despair of the Comfort of Allah

Allah, the Most High says,

1. "Do not despair of the Comfort of Allah, none but the unbelievers despair of the Comfort of Allah." (Koran 12.87)
2. "It is He who sends down rain for them after they despaired, and He unfolds His Mercy...." (Koran 42.28).
3. "Say, 'O My worshippers, who have sinned excessively themselves, do not despair of the Mercy of Allah'" (Koran 39.53).

@10.67.2 Let none of you die except hoping for the best from Allah

The Prophet - may Allah venerate him and give him peace - said,

"Let none of you die except hoping for the best from Allah, the Mighty, the Glorified."

@*Chapter 10.68.0: Ingratitude to someone who does one a kindness

@10.68.1 "... Be thankful to Me and to your parents

Allah, the Most High says,

"... Be thankful to Me and to your parents" (Koran 31.14).

@10.68.2 "Whosoever does not thank people is unthankful to Allah."

The Prophet - may Allah venerate him and give him peace - said,

"Whosoever does not thank people is unthankful to Allah."

@10.68.3 Gratitude consists of reciprocating it or supplicating for the person

One of the early Muslims said, "Ingratitude for a kindness is one of the major sins. Gratitude consists of reciprocating it or supplicating for the person."

@10.69.0: Withholding an excess of water from others

@10.69.1 Whosoever denies others his surplus water or pasturage

The Prophet - may Allah venerate him and give him peace – said,

1. "Whosoever denies others his surplus water or pasturage, Allah shall deny him His blessing on the Day of Judgement."
2. "Do not sell surplus water."

@*Chapter 10.70.0: Branding an animal's face

@10.70.1 The curse of Allah be on whosoever branded it

1. The Messenger of Allah - may Allah venerate him and give him peace - passed by a donkey that had been branded on its face and said, 'The curse of Allah be on whosoever branded it.'
2. "Haven't you heard that I have cursed whosoever brands or strikes the faces of livestock?"

@10.70.2 Haven't you heard that I have cursed..."

The words of the Prophet - may Allah venerate him and give him peace -

"Haven't you heard that I have cursed..." imply that he who has not heard the warning against an act is not guilty of sin by committing it, though whosoever has heard and knows is included in the curse. We hold that it is likewise with all these major sins, except those which are necessarily known by the as being of the religion (14.1.3).

@*Chapter 10.71.0: Gambling

@10.71.1 wine and gambling, idols and diving arrows are the work of satan

Allah, the Most High says,

"Believers, wine and gambling, idols and diving arrows are abominations from the work of satan. Avoid them, in order that you prosper, satan seeks to stir up enmity and hatred among you by means of wine and gambling and to bar you from the remembrance of Allah and from praying. Will you not abstain from them?" (Koran 5.90-91).

@10.71.2 Whosoever says to his companion, 'Come, I will play you for stakes', must.

The Prophet - may Allah venerate him and give him peace - said, "Whosoever says to his companion, 'Come, I will play you for stakes', must expiate by giving charity." If saying this is a sin that calls for charity in expiation, what must one suppose about actually doing it? It is a form of consuming the wealth of others through falsehood.

@*Chapter 10.72.0: Violating the Sacred Precinct (Haram) of Mecca

@10.72.1

Allah, the Most High says,

"...and from the Holy Mosque which We made equal for all peoples, he who cleaves to it and the tent dweller alike, and whosoever seeks to violate it wrongfully, We shall let him taste a painful punishment." (Koran 22.25).

(The word "wrongfully" in the above verse means "by reason of doing wrong through committing an act that is forbidden therein, even if it just consists of reviling one of the caretakers" (Tafsir al-Jalalayn (y-77), 436).)

@10.72.2 who kills someone who is not trying to kill him

The Prophet - may Allah venerate him and give him peace - said,

"Of all people, the greatest in outrage against Allah is he who kills in the Sacred Precinct of Mecca, who kills someone who is not trying to kill him, or who kills because of the feuds of pre Islamic times."

@*Chapter 10.73.0: Forgoing the Friday prayer to pray alone

@10.73.1 who hang back from attending the Friday prayer to burn their houses

The Prophet - may Allah venerate him and give him peace – said,

1. "I've considered asking a man to lead people in the prayer and go myself to those who hang back from attending the Friday prayer to burn their houses down upon them."

2. "Going to the Friday prayer is obligatory for every male who has reached puberty."

@*Chapter 10.74.0: Spying on Muslims and revealing their weakness

@10.74.1 Included in this subject is the Prophetic quotation (Ahadith) that relates to Hatib ibn Abi Balta'a. Hatib, fearing for the safety of his relatives in Mecca sent a secret letter to them that informed them of the military plans of the Muslims.

Umar, may Allah be pleased with him, wanted to kill Hatib for what he had done, but the Prophet - may Allah venerate him and give him peace - forbade `Umar to take action because Hatib had fought at Badr and absolved from all sins. By accepting Hatib's excuse there was nothing left for any Muslim to criticize (dis: 10.75.3).

If someone's spying entails undermining Islam and its people, or the killing, captivity, enslavement, or plundering of the Muslims, or anything of that nature, then that person is one of those who strive for corruption in the land, destroying village and offspring, and is subject to death, and deserves the punishment of Hell, may Allah save us from it.

Anyone who spies knows that if ordinary talebearing is a major sin (dis: 10.45), then a spy's conveyance of information is far more abominable and heinous.

@*Chapter 10.75.0: Probable major sins

@ Commentaries by Imam Nawawi and 'Abd al-Ra'uf Munawi have been added by the translator to some of the following Prophetic quotations (Ahadith).

@10.75.1 Envy

The Prophet - may Allah venerate him and give him peace – said,

1. "Beware of envy because envy consumes good works as fire consumes wood."
2. "None of you believes until he loves for his brother what he loves for himself."

Grand Shaykh Imam Nawawi said, "It is more befitting to interpret this Prophetic quotation (Ahadith) as referring to universal brotherhood. To include both Muslims and non-Muslims, such that one loves for one's non-Muslim brother what one loves for oneself, i.e for them to embrace Islam, just as one loves one's Muslim brother to remain in Islam. This is the reason why it is desirable (mustahabb) to pray for the guidance of non-Muslims.

The Prophetic quotation (Ahadith) is understood as denying that someone who does not love for his brother what he loves for himself has perfect faith. Love, means to want what is good and advantageous for him, referring to religious love, not individual human love.

Human nature might well dislike another's attaining the good, or surpassing oneself, though it is obligatory for one to resist this human tendency and pray for one's brother and desire for him what one desires for oneself.

Someone who does not love for his brother what he loves for himself is envious, and envy, as Ghazali notes, is of three types, and all of them unlawful. The first is to wish that another person cease to have something good in order to obtain it oneself. The second is to wish that another loses something good, even if one does not obtain it this being worse than the previous type. The third is when one does not wish that the other ceases to have something good, but one resents him having surpassed one in attainment or position, accepting his parity with one but not his superiority. This is unlawful as well, because one thereby objects to the division of the favors of Allah amongst His worshippers.

Allah, the Most High says,

“What, is it they who divide the Mercy of your Lord! (It is) We who divided between them their livelihoods in this life, raising some in rank above others, so that some may take the other into his service.” (Koran 43.32).

Therefore, whosoever does not accept this division opposes Allah, the Most High in His apportionment and His wisdom. One must remedy one's human nature so that it accepts predestination and resist one's human nature by praying that one's enemy be given what one's self-interest might prefer him not to have (al-Arba'un al-Nawawiyya wa sharhuha (y-103), 40).

@10.75.2 Not loving the Prophet - may Allah venerate him and give him peace - more than all people

The Prophet - may Allah venerate him and give him peace - said,
“None of you believes until I am more beloved to him than his wife, child, self, and all people.”

(Munawi:) Kirmani says, “Love of the Prophet - may Allah venerate him and give him peace - means the will to obey him and not to disobey him, this being one of the obligations of Islam” (Fayd al-Qadir sharh al-Jami' al-saghir (y-91), 6.441)

@10.75.3 Contending with what the Prophet - may Allah venerate him and give him peace - has brought

The Prophet - may Allah venerate him and give him peace - said,
“None of you believes until his inclinations conform to what I have brought.”
Grand Shaykh Imam Nawawi said, “This means a person must examine his acts in light of the Koran and Prophetic practice, suspend his own inclinations and follow what the Prophet - may Allah venerate him and give him peace - has brought.

The Prophetic quotations (Ahadith) resembles the word of Allah, the Most High, “It is not for any believer, man or woman, to have a choice in the affair when a matter is decreed by Allah and His Prophet.” (Koran 33.36). (al-Arba'un al-Nawawiyya wa sharhuha (y-103), 74).

@10.75.4 Submitting to disobedience

The Prophet - may Allah venerate him and give him peace – said,

1. “Whosoever among you notices something evil should correct it by his hand. If he is unable to do that then he should condemn it by his tongue. If he is unable to do that, he should at least consider it bad in his heart and this is the lowest degree of faith.”
2. In the Prophetic quotations (Ahadith) related by Muslim concerning oppressors, “.... Whosoever fights them with his hands is a believer, as is he who fights them with his tongue, also he who fights them in his heart. After this there is not as much as a grain of faith left.”

This Prophetic quotation (Ahadith) is evidence that whosoever does not condemn acts of disobedience in his heart or wish they would cease is devoid of faith.

Fighting with the heart includes asking Allah, the Most High to annihilate the falsehood and its perpetrators, or improve them.

3. "There will be those who are appointed in authority over you. Some of their actions you will find confirm to Islamic Law but others not. The person who makes known his extreme dislike of this will not be held accountable, as will be the one who resents it. However, the one who is pleased and follows them will be held accountable." He was asked, "Messenger of Allah, shouldn't we fight them?" He replied, "Not as long as they continue to maintain the prayer among you."
(dis: 9.25.3)

@10.75.5 Helping another to wrongfully dispute

The Prophet - may Allah venerate him and give him peace - said,
"He who helps another to argue without right remains under the hatred of Allah until he gives up."

@10.75.6 Underhandedness

The Prophet - may Allah venerate him and give him peace - said,
"Plotting and duplicity are in the Fire of Hell."

@10.75.7 Alienating a person's spouse or servant

The Prophet - may Allah venerate him and give him peace - said,
"Whosoever alienates a person's wife or servant from him is not of us."

@10.75.8 Vulgarity

The Prophet - may Allah venerate him and give him peace - said,
1. "Modesty is part of faith, and faith is in Paradise. Vulgarity is rudeness, and rudeness is in Hell."
2. "Allah detests the foul-mouthed, vulgar person."

@10.75.9 Being leaderless

The Prophet - may Allah venerate him and give him peace - said,
"Whosoever withdraws from obedience (to the caliph) shall meet Allah on the Day of Resurrection having no argument. And he who dies without having sworn allegiance will die the death of ignorance (as before Islam)."
Caliph (025) or his representative, if they exist (dis: 10.40.2)

@10.75.10: Benefiting at a Muslim's expense

The Prophet - may Allah venerate him and give him peace - said,
"Whosoever eats food obtained at the expense of a Muslim, Allah will feed him Fire on the Day of Judgement. Whosoever gains a prestigious reputation at the expense of a Muslim, Allah will reduce him to the position of the ostentatious and boasters (10.33.2) on the Day of Judgement Day. He who wears a garment acquired at the expense of a Muslim, Allah will dress him in a garment of fire on the Day of Judgement."

@10.75.11 Shunning a Muslim without right

The Prophet - may Allah venerate him and give him peace - said,
"Whosoever shuns his brother for a year is as though he had spilled his blood."
(Munawi:) This means that avoiding him for a year deserves punishment in the Everlasting life just as spilling his blood does. It also means that both the person who shuns someone and he who kills someone are involved in sin, though not to the same degree, for the use of a simile does not imply the parity of the simile's subject to the subject with which it has been compared.

Shafi'i holds it is unlawful to shun a Muslim for three days unless there is a valid reason. For example the religious improvement of the person avoiding the other or person being avoided, or when the latter is morally corrupt or involved in reprehensible innovation (bid'a, def: w-29.3) (Fayd al-Qadir shah al-Jami' al-saghir (y-91), 6.234).

@10.75.12 Interceding for the guilty

The Prophet - may Allah venerate him and give him peace - said,
"Whosoever intercedes between a criminal and one of the prescribed punishments of Allah has defied Allah in His command."

@10.75.13 Saying something that Allah detests

The Prophet - may Allah venerate him and give him peace - said,
1. "When a man says something that Allah detests and does not think twice about it, he is plunged into Hell (dis:4.1)."
2. "When a man says something pleasing to Allah, and does not imagine its extent, Allah records His pleasure in him until the Day of Judgement. But when a man says something that angers Allah, and does not imagine its extent, Allah records His anger against him until the Day he meets Him."

@10.75.14 Saying "Master" (Sayyid) to a hypocrite

The Prophet - may Allah venerate him and give him peace - said,
"Do not say 'master' to a hypocrite, for if he is a master, you have angered your Lord the Mighty and Majestic." As reported by Abu Dawood

@10.75.15 Breaking a promise

The Prophet - may Allah venerate him and give him peace - said,
"A hypocrite has three distinctive characteristics, when he talks he lies, when he makes a promise he breaks it, and when something is entrusted to him he embezzles it. Even if he prays, fasts and considers himself a Muslim."

The scholars interpret the preceding Prophetic quotation as such. If one makes an ordinary promise to another person, it is Prophetic practice to keep the promise, though it is strictly unlawful to make a promise that one has no intention to keep.

Lying and betraying a trust have been mentioned before in this section we are discussing promise breaking of which Allah, the Most High says, "Some of them have made a covenant with Allah, 'If Allah gives to us of His bounty, we will give charity and be of the righteous.'" (Koran 9.75).

Suyuti notes that the person referred to above was Tha'laba ibn Hatib, who asked the Prophet - May Allah venerate him and give him peace - to pray that Allah would enrich him, so that he might give everyone their just due. So the Prophet supplicated for him and he became wealthy, but then he stopped attending the Friday prayer, withdrew from the community, and refused to pay the obligatory charity, as Allah, the Most High says:

"But when Allah had bestowed His bounty on them they became greedy and turned away, swerving aside. He has caused hypocrisy to be in their hearts till the Day they meet Him, because they have changed what they promised Allah and because they were liars." (Koran 9.76-77).

Some time after this, Tha'laba brought the Prophet - may Allah venerate him and give him peace - his obligatory charity, but the Prophet told him, 'Allah forbids me to accept it from you,' at which Tha'laba threw handfuls of dust upon his own head. He later, in the time of the subsequent caliphates, took his obligatory charity to Abu Bakr, but he would not accept it, then to Umar, and Uthman but none would accept his zakat. (y-77), 253).

@10.75.16 Not trimming one's moustache

The Prophet - may Allah venerate him and give him peace - said,

1. "Whosoever does not trim his moustache (e-4.1(2)) is not one of us."
2. "Be different from the Zoroastrians, grow your beards and trim your moustaches."

@10.75.17 Not performing the Pilgrimage (Hajj) when able

'Umar ibn al-Khattab (may Allah be pleased with him) said,

"I have considered sending men to these cities to see who has not made the pilgrimage, and collect the non-Muslim poll tax (jizya, def: 9.11.4) from everyone possessing the means who has not performed it (def:21.1.5-10). They are not Muslims. They are not Muslims."

@10.75.18 Keeping an inheritance from an heir

The Prophet - may Allah venerate him and give him peace - said,

"Whosoever prevents his heirs from receiving their inheritance (dis: w-52.1(234-36)), Allah will prevent his inheriting Paradise."

@10.75.19 Talking about how one's wife makes love

The Prophet - may Allah venerate him and give him peace - said,

"On the Day of Judgement, the people in the most evil position in the Sight of Allah will be the man who sleeps and shares with his wife and then broadcasts her secret."

@10.75.20: Sodomizing one's wife

The Prophet - may Allah venerate him and give him peace - said,
"He who sodomizes a woman is accursed."

@10.75.21 Intercourse with one's wife during menstruation

The Prophet - may Allah venerate him and give him peace - said,
"Whosoever has intercourse with a woman during her period, or sodomizes a woman, or who goes to a fortune-teller and believes him, has disbelieved."

@10.75.22 Looking into another's house without permission

The Prophet - may Allah venerate him and give him peace - said,
1. "Were a man to look at you without permission and you threw a rock at him and knocked out his eye, you would not have committed any offense."
2. "Whosoever peeps into a house without the permission of its people, they may put out his eye."

@10.75.23 Excessiveness in Religion

Allah, the Most High says,
"People of the Book, do not exaggerate your religion.... " (Koran 4.171).
(Qurtubi:) This refers to the extremism of the Jews concerning Jesus in accusing Mary of fornication, and the extremism of the Christians (Nazarenes) in considering him a god. For both excessiveness and remissness are evil and unbelief (al-Jami' li ahkam al-Koran (y-117), 6.21).

The Prophet - may Allah venerate him and give him peace - said,
"Beware of going to extremes (in religion), for those before you were only destroyed through excessiveness."

(Munawi:) Ibn Taymiya says, "His saying 'Beware of going to extremes in religion' is a general prohibition applying to all types of extremes, whether in belief or works" (Fayd al-Qadir sharh al-Jami' al-saghir (y-91), 3.126). No wonder how come Wahabi (Kharijies)s do not follow their first founder (Ibn Taymiya)

@10.74.24 Not accepting a sworn statement

The Prophet - may Allah venerate him and give him peace - said,
"Whosoever is sworn to in the Name of Allah, let him accept it, for whosoever does not has nothing to do with Allah in anything."

@10.75.25 Miserliness

Allah, the Most High says,
1. "... Whosoever is saved from the greed of his own soul, they are the ones who win." (Koran 59.9).
2. "There you are! You are called upon to spend in the Way of Allah. Some of you are mean; yet whoever is mean is mean only to his own soul. Allah is the

Rich and you are the poor. If you turn away, He will replace you with another nation, and they will not be like you.” (Koran 47.38)

The Prophet - may Allah venerate him and give him peace - said,

1. “What disease is worse than miserliness?”
2. “Three things are deadly: avarice obeyed, caprice yielded to, and self-opinionated pride.”

@10.75.26 Sitting in the center of a circle

Abu Daud reported:

“The Prophet – may Allah venerate him and give him peace – cursed the person who sat in the middle of a circle.”

This is because such a person sees himself as better than the others.

@10.75.27 Passing in front of someone performing the prayer

The Prophet - may Allah venerate him and give him peace – said,

“If only a person who passes in front of one engaged in prayer would realize the enormous sin of it he would wait for forty rather than pass in front.”

The narrator was unsure whether the Prophet – may Allah venerate him and give him peace said forty days, forty months or forty years.

In front means within the length of the person's prostration, or the distance to the barrier he is using (def; 14.7) if it is not far.

(Munawi:) Ibn Daqiq al-'Eid says, “A Maliki scholar has distinguished four situations respecting the sin of the person praying and the person who passes in front of him.

“P” denotes the person praying and “Q” denotes the person passing in front of him.

1. “Q” sins if he passes in front of “P” who is praying behind a barrier that is not a commonly used walkway when there is an alternate passageway.
2. “P” sins if he is praying in a commonly used walkway without a barrier, or a considerable distance from one because “Q” does not have an alternative other than to pass in front of him.
3. Both “P” and “Q” sin when P is praying in circumstances like (2) above, if “Q” has an alternative route but passes in front of “P” anyway;
4. Neither “P” nor “Q” sin when “P” is praying in circumstances such as (1) above, if “Q” has no alternative and passes in front of “P.” (Fayd al-Qadir sharh al-Jami' al-saghir (y-91), 5.338)

@10.75.28 Not loving one's fellow Muslims

The Prophet - may Allah venerate him and give him peace - said,

“By Him in whose Hands is my life, you will not enter Paradise unless you believe, and you will not truly believe unless you love on another. Shall I tell you something whereby you will love one another? Increase the greeting of peace among yourselves.” (Kitab al-Kaba'ir wa tabyin al-maharim (y-36), 35-181)

@*Chapter 10.76.0

@ Most of the above major sins are agreed upon by all four schools of jurisprudence. A more comprehensive list by Ibn Hajar Haytami is given below at w-52.)

@*Chapter 10.77.0: The conditions of a valid repentance

@10.77.1 Imam Nawawi said: “Scholars state that repentance is obligatory for every sin.” Muhammad ibn 'Allan Bakri commented on Imam Nawawi's statement that there is a scholarly consensus (7.7) that repentance is obligatory for both the lesser sins and major sins, and for both outward acts and inward ones such as malice or envy.

@10.77.2 When a person's disobedience is solely between him and Allah, the Most High, unconnected with another human being's rights, his repentance has three conditions:

(a) to desist from the sin;

(b) to regret having done it. Muhammad ibn 'Allan Bakri said that this is because of its being disobedience, since regretting it for some other reason is of no consequence;

(c) and to resolve never to commit it again. Muhammad ibn 'Allan Bakri said that some hold that after having repented of it, it is also a condition that one abandons the company of whosoever one committed the act with, and also that one's repentance be purely for the sake of Allah. Ibn Hajar makes it an integral restriction to the first condition that “to desist from the sin solely for the sake of Allah, since abandoning it out of fear, ostentation, or other motive besides Allah, the Most High is not considered desisting.” If any of these conditions is lacking, one's repentance is not valid.

@10.77.3 If the act of disobedience is connected with the rights of another human being, repentance for it has four conditions; the three mentioned above, plus clearing oneself of the obligation owed to the other person. If this obligation is property or the like, one must return it by any means, secretly, or openly, even as an ostensible gift to him. For example, returning the article, if it still exists, or if it does not, then a substitute of equal value.

When one embraces Islam all previous sins are forgiven except those involving rights or property owed to other people. Allah does not pardon these until they are restored or forgiven.

If the right in question is the penalty for charging someone with adultery when there are not four witnesses (def:9.13) or the like, such as a victim's right to

retaliate (9.3) for a homicide or injury, then one must surrender oneself up to him to permit him to inflict the penalty due or else ask him to forgive it.

The author's words seem to imply that the validity of repentance depends on performing the above, of returning the property or giving oneself up i.e. when possible, or otherwise one intends to do so when possible, or asks the victim for amnesty, but the position of the Imam (A: Juwayni), which 'Izz ibn 'Abd al Salam and our author (Nawawi) also follow, is that one's repentance is valid regarding the rights of Allah, the Most High through repenting, while the other person's right is an obligation that remains upon one (dis:w-53), as does the sin of not discharging it.

If the wrong done to another consists of slander (4.2), then one must have him pardon it by informing him so he can forgive one, though informing him is only a necessary condition when doing so will not cause even greater harm, though if it will as when one fears the other will kill one, informing him is not obligatory. Both asking for the person's forgiveness and informing him of what one said are only obligatory when he has heard that he has been slandered. If he has not, then asking Allah to forgive is sufficient) (Riyad al-salihin (y-107), 10-11, and Dalil alfalihin li turuq Riyad al-salihin (y-25), 1.88-91).

@*BOOK 11: COMMANDING THE RIGHT AND FORBIDDING THE WRONG BY THE PROOF OF ISLAM, IMAM GHAZALI

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@*Chapter 11.0.0: Introduction

@11.0.1 The discussion and analysis that follow are Imam Ghazali's, edited by the Hanbali scholar Ibn Qudama Maqdisi from an earlier abridgement of Ghazali's Ihya' `ulum al-din by `Abd al-Rahman ibn Jawzi, which Maqdisi shortened to a single volume. Its conciseness, if less vivid than the Ihya', better lends itself to the purpose of the present section, which is to discuss the practical implications of an important aspect of Sacred Law.)

@11.0.2 (Ibn Qudama Maqdisi:) One should know that commanding the right and forbidding the wrong is the most important fundamental of Islam, and is the mission that Allah sent the prophets to fulfill. If it were folded up and put away, religion itself would vanish, dissolution would appear, and whole countries ruined.

@*Chapter 11.1.0: Obligation to command what is right

@11.1.1 Allah, the Most High says, "Let there be one nation of you that shall call to righteousness, ordering honor and forbidding dishonor. Those are the prosperous." (Koran 3.104).

This verse explains that commanding the right and forbidding the wrong are a communal obligation rather than a personal obligation (dis: 8.3.2), for He says, "Let there be one nation (sub group) of you..."and not, "all of you command the right." So if enough people do it, meaning that whenever a wrong is seen, one of those who sees it corrects it, the responsibility is lifted from the rest, those who perform it being expressly mentioned as the successful.

There are many verses in the Holy Koran concerning commanding what is right and forbidding that which is wrong.

@11.1.2 Those who keep within the limits of Allah and those who transgress

The Prophet - may Allah venerate him and give him peace - said:

1. "Those who keep within the limits of Allah and those who transgress them, or allow them to be compromised, may be compared to people on a ship. Some

must stay below deck in the hardest and worst place, while others get passage above. When those below need water, they pass through those on the upper deck, injuring and annoying them until those below reflect, 'If we were to make a hole in the hull we could get water without troubling those above.' Were those above deck to leave those below to themselves, all would be destroyed, while if they were to help them, all would be saved."

2. "Whosoever of you sees something wrong, let him change it with his hand. If he is unable, then let him change it with his tongue. If he is unable, then with his heart. And that is the weakest degree of faith."

3. "The best jihad is speaking the truth to an unjust ruler."

4. "When you see my nation too intimidated by an oppressor to tell him, 'You are a tyrant,' then you may as well say farewell to them."

5. "Command the right and forbid the wrong, or Allah will put the worst of you in charge of the best of you, and the best will supplicate Allah and be left unanswered."

@11.1.3 Abu Bakr (may Allah be pleased with him) rose from his place, and after having praised Allah, the Most High and said, "O people, you recite the verse, 'Believers, look after your own souls, he who goes astray cannot harm you if you are guided...' (Koran 5.105). And we have heard the Messenger of Allah - may Allah venerate him and give him peace - say, 'People who do not change something wrong when they see it are on the verge of a sweeping punishment from Allah.'"

@*Chapter 11.2.0: Legal responsibility of who may command what is right and forbid what is wrong

@11.2.1 There are four integrals (11.2-5) in commanding the right and forbidding the wrong. The first of which is that the person doing so is a legally able and responsible (8.8.1), Muslim. These being the conditions for it to be obligatory, though a child of the age of discrimination (14.1.2) who condemns something dishonorable is rewarded for doing so, even though it is not obligatory for him.

@11.2.2 Moral rectitude is not a condition

As for the requirements of moral integrity in the person giving the reprimand, some scholars take this into consideration, and say that a corrupt person is not entitled to censure. A position for which they cite the word of Allah, the Most High, "Would you order righteousness on others and forget it yourselves?" (Koran 2.44), but there are no grounds in the verse for such and inference.

@11.2.3 Having the Caliph's permission

Some scholars stipulate that the person delivering the censure must have the permission from the caliph (9.25) or his regional appointee, and do not grant that private individuals may censure others. This is untrue, for the Koranic verses and Prophetic quotations (Ahadiths) all indicate that whosoever sees something wrong and does nothing has sinned.

Stipulating that there must be permission from the caliph is an arbitrary opinion. One should realize that there are five levels of censure

1. explaining the wrong nature of the act,
2. admonishing the person politely,
3. reviling him and harshness,
4. forcibly stopping the act (such as by breaking musical instruments or pouring out wine),
5. intimidating and threatening to strike the person or actually hitting him to stop what he is doing.

It is the latter level, not the first four, which requires the caliph, because it may lead to civil disorder. The early Muslims' invariable practice of reprimanding those in authority decisively proves by their consensus (7.7) that there is no need for a superior's authorization.

If it is wondered whether a child is entitled to reprove his father, or a wife her husband, or for private citizens to reprove their ruler, the answer is that all are fundamentally entitled to do so.

We have distinguished the five levels: the child is entitled to explain the nature of the act, to admonish and advise his parents politely, and finally may censure at the fourth level by such things as breaking a lute, pouring out wine, and so forth. This is also the sequence that should be observed by a wife. As for private citizens with their ruler, the matter is much graver than a child's reproving his father, and citizens are only entitled to explain the matter and advise.

@11.2.4 Ability to censure

It is a necessary condition that the person condemning something wrong is able to do so. There is no obligation upon someone who is unable to condemn it except in his heart.

The obligation is not only lifted when physically unable, but also when one fears that problems (11.2.7) will result for one, which also comes under the heading of inability. The obligation to censure the wrong is likewise lifted when one knows that the reproach will be ineffective. Four situations may be distinguished with respect to this:

1. When one knows (11.2.6) the wrong will be eliminated by speaking or acting without this entailing problems for oneself there is an obligation to censure it.
2. When one knows that speaking will be ineffective and one will be beaten if one does, there is no obligation.
3. When one knows that one's censure will be ineffective but it does not entail problems for one, it is not obligatory, because of its ineffectiveness, though one is still recommended to censure the act in order to manifest the standards of Islam and remind people of their religion.

Prophetic Quotations (Ahadiths) that appear to show the non-obligatoriness of commanding the right and forbidding the wrong are understood by Islamic scholars as referring to specific situations in which censure is ineffectual, and are

not global statements about this obligation's inapplicability to a certain era of history, such as our own or some future time. Commanding the right and forbidding the wrong will be obligatory until the Day of Judgement.

4. When one knows that it will cause problems for one but the wrong will be eliminated by censuring it, such as with breaking a lute or emptying bottles of wine when one knows one will be beaten for it. In such situations there is no obligation but it is recommended to so, as is evident from the Prophetic quotations (Ahadiths), "The best jihad is speaking the truth to an unjust ruler"

There is no disagreement among scholars that it is permissible for a single Muslim to attack battle-lines of unbelievers headlong and fight them even if he knows he will be killed. But if one knows it will not hurt them at all, such as if a blind man were to hurl himself against them, then it is unlawful. Likewise, if someone who is alone sees a corrupt person with a bottle of wine beside him and a sword in his hand, and he knows that the person will chop his neck if he censures him for drinking, it is not permissible for him to do so. This is because it would not entail any religious advantage worth for which to give one's life. Such censure is only praiseworthy when one is able to eliminate the wrong and one's action will produce some benefit.

@11.2.5 When censure is not obligatory

If one wants to censure something but knows it will result in one's companions also being beaten with one, it is not permissible for one to do so, because one is incapable of removing one blameworthy thing without its leading to another.

It is not lawful to censure anything reprehensible when doing so will lead to a thing or state that is more reprehensible.

@11.2.6 "Know" only means what one believes will probably result. Someone who thinks that it will create problems for him is not obligated to censure, though there is an obligation upon someone who does not believe that problems will result. Cowardice is not a factor for consideration here, neither foolhardy courage, but rather the normal temperament of someone with a sound disposition.

@11.2.7 "Problems" means being beaten, killed, robbed, or acquiring a bad name in town. As for being reviled and disparaged, it is not an excuse to remain silent, for someone who commands what is right generally meets with it.

@*Chapter 11.3.0: What may be censured

@11.3.1 The second integral of commanding what is right and forbidding what is wrong is that the thing censured is something blameworthy that exists at present and is apparent.

"Blameworthy" means that its occurrence is prohibited by Sacred Law, this being of wider scope than disobedience, for someone who sees a child or insane

person drinking wine - which is not a sin in relation to them – it is obligatory to pour it away and forbid them.

“That exists at present” excludes someone who has drunk wine and is now finished, and so forth. It also excludes something, which will take place later, as when there is evidence that a person intends to go drinking that night. There is no censure in such cases other than to appeal to the person's conscience. “Apparent” excludes someone who conceals his disobedience at home and locks his door. It is not permissible to spy on him. An exception is if something is manifest to another outside the house, such as the sound of pipes and lutes. Someone who hears them may enter and break the instruments. If one smells the odor of wine outside the house, the sounder opinion is that it is permissible to enter and condemn it.

@11.3.2 One may not condemn another for questions involving differences among schools of jurisprudence

It is a necessary condition that the thing censured be something whose blameworthiness is not merely established by ijtiḥād i.e. the independent legal reasoning of a particular Imam. Any question in which there is ijtiḥād may not be a cause for censure. A Hanafi, for example, may not condemn a Shafi'i for eating something slaughtered without the Basmala (dis: 21.17.5(4)), nor a Shafi'i condemn a Hanafi for drinking some non-intoxicating raisin drink, nor a Muslim condemn a non-Muslim for drinking wine (dis: 9.11.5(1)). However, if two individuals follow the same school of Sacred Law and one commits an act that is unlawful or offensive in that school, or in each of the two's respective schools, it is obligatory for the other person to condemn the act even when it involves the ijtiḥād of their Imam. And the Shafi'i must condemn the Hanafi for eating something slaughtered without the Basmala, as the Hanafi is doing something he believes to be wrong.

@*Chapter 11.4.0: A person doing wrong

@11.4.1 The third integral of commanding the right and forbidding the wrong is the person being reprimanded. It is sufficient that he is a person, and it is not necessary that he be legally responsible, as we have previously mentioned (11.3.1) in respect to censuring a child or insane person.

@*Chapter 11.5.0: Act of censuring

@11.5.1 The fourth integral is the censure itself, which has various degrees of severity and rulings.

@11.5.2 Knowledge of the wrong act

The first degree consists of knowing the wrong act.

One should not eavesdrop at another's house in order to hear the sounds of musical instruments, or try to catch the scent of wine, or feel for an object concealed beneath someone's shirt to see if it is a flute, or ask a person's

neighbors to see what he is doing. But if two upright witnesses (9.24.4) come and inform one that someone is drinking, one may enter his house and take him to task.

@11.5.3 Explaining that something is wrong

The second degree consists of explaining that an act is wrong, since an ignorant person will often do something he does not know is blameworthy, but will stop when he finds out. So one must explain it politely, saying, for example, "People are not born scholars; we were unfamiliar with many things in Sacred Law until scholars mentioned them to us. Perhaps there are not many in your hometown," and thus lead up to it diplomatically so the person understands without being offended.

To avoid the evil of remaining silent when there is something wrong, by following the excuse of not offending a Muslim, is like washing away blood with urine.

@11.5.4 Forbidding the act verbally

The third degree of severity is to prohibit the act by admonition, advice, and making the other fear Allah by mentioning the Prophetic quotations (Ahadiths) of Divine punishment for it and reminding the person how the early Muslims behaved. The reminding should be done with sympathy and kindness, not harshness or anger.

The great danger here, which one must beware of, is that a learned person explaining that something is wrong may be proud of his knowledge and gloat over the lowliness of the other's ignorance, which is like saving someone from a fire by casting oneself into it. It is ignorant in the extreme, a deep disgrace, and a delusion from the devil. The touchstone and test for this is to ask oneself whether one would prefer the censured person to stop at his own or another's behest, or whether one would prefer to forbid him oneself. If reproving him is difficult and weighs upon one, and one would prefer that someone else do it, then one should proceed, for Islam is the motive. However, if it is otherwise, then one is following one's personal caprice and using the censuring of others as a means to display one's merit, and one should fear Allah and censure oneself first.

@11.5.5 Censuring with harsh words

The fourth degree of severity consists of reviling the person and bearing down on him with sharp, harsh words. One does not resort to this degree unless one is unable to prevent the person by politeness, and it is evident that he wants to persist or mocks one's admonitions and advice. Reviling him does not mean vulgarity and lies, but rather saying "You degenerate," "You idiot" "You ignoramus," "Don't you fear Allah?" and so forth. Allah, the Most High tells us that Abraham (upon whom be peace) said, "Shame on you and on that you worship other than Allah! Have you no understanding?" (Koran 21.67).

@11.5.6 Fighting the wrong by hand

The fifth degree consists of changing the blameworthy thing with one's hand, such as by breaking musical instruments, pouring away wine, or turning someone out of a house wrongfully appropriated. There are two rules for this degree:

1. not to do so when one can get the person to do it himself, i.e. if one can get someone to leave the land he has unjustly taken. One should not drag or push him from it;
2. and to break the instruments, for example, just enough to obviate their being used for disobedience and no more, or to be careful not to break the bottles when pouring away wine. If one cannot manage except by throwing rocks at the bottles or the like, then one may do so and there is no obligation to cover the damages.

If it is wondered whether one may break the bottles or drag someone by the foot out of a wrongfully appropriated house to create fear, as an object lesson to others, the answer is that this is for leaders alone and is not permissible for private individuals because of the obscurity of the decision-making criteria in the matter.

@11.5.7 Intimidation

The sixth degree is threatening and intimidation, such as by saying, "Stop this or I'll ..." and when possible this should be done before actually hitting the person. The rule for this level is not to make a threat that one cannot carry out, such as saying "or I'll seize your house," or "take you wife hostage," because if one says this seriously, it is unlawful, and if not serious, then one is lying.

@11.5.8 Assault

The seventh degree is to directly hit or kick the person, or similar measures that do not involve weapons. This is permissible for private individuals provided it is necessary, and that one confines oneself to the minimum needed to stop the reprehensible action and nothing more. When the action has been stopped, one refrains from doing anything further.

@11.5.9 Force of Arms

The eighth degree is when one is unable to censure the act by oneself and requires the armed assistance of others. Sometimes the person being reproved may also get people to assist him, and a skirmish may ensue, so the soundest legal opinion is that this degree requires authorization from the caliph (def : 9.25). since it leads to strife and the outbreak of civil discord. Another view is that there is no need for caliph's permission.

@*Chapter 11.6.0: Attributes of the person censuring

@11.6.1 Having presented in detail the rules for someone condemning the wrong, they may be summarized in three traits needed by the person giving the reprimand:

1. knowledge of the (A: above-mentioned) appropriate circumstances for censure and their definitions, so as to keep within lawful bounds;
2. caution, without which one might know something but not apply it because of some personal interest;
3. and good character, the prime prerequisite for being able to control oneself, for when anger is aroused, knowledge and piety are seldom sufficient to suppress it if character is lacking.

@11.6.2 Reducing one's dependence on others

Among the rules for commanding the right and forbidding the wrong is to depend less on others and eliminate the desire for what they have, so as not to have to compromise one's principles.

A story is told about one of the early Muslims who used to get offal each day from the neighborhood butcher for his cat. He noticed something blameworthy about the butcher, so he returned home and turned the cat out before returning to reprimand the man. The butcher retorted, "From now on. I'm not giving you a thing for your cat," to which the man replied, "I did not censure you till I gave up both the cat and any desire for what you have." And this is the fact of the matter. One cannot reprimand others as long as one is anxious for two things: the things people give one, and their approval and praise.

@11.6.3 As for politeness in commanding the right and forbidding the wrong, it is obligatory. Allah, the Most High says, "Speak to him with gentle words; perhaps he will ponder and fear." (Koran 20.44). The person referred to in this verse was Pharaoh, the enemy of Allah, so how then should one be with one's fellow Muslims? (Mukhtasar Minhaj al-qasidin (y-62), 123-30).

@*BOOK 12: GOVERNANCE OF THE TRAVELLER 'UMDAT AL-SALIK' - THOR'S INTRODUCTION

@12 GOVERNANCE OF THE TRAVELLER 'UMDAT AL-SALIK' - THOR'S INTRODUCTION

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@*Chapter D-1.0: Author's Introduction

@12.1.1 Praise be to Allah, Lord of the Worlds. Allah bless our master Muhammad, his

In the Name of Allah, the Merciful and Most Merciful.

Praise be to Allah, Lord of the Worlds. Allah bless our master Muhammad, his family, and all his Companions.

@12.1.2 A Description of the Book

This is a summary of the school of Imam Shafi'i (may Allah have mercy on him) in which I have confined myself to the most dependable positions (al-sahih) of the school according to Imam Rafi'i and Imam Nawawi, or in some matters to just one.

When there is a difference in opinion between Imam Rafi'i and Imam Nawawi on opposing critical examination of sources I have selected to give the opinion of Imam Nawawi first as he is the foremost reference of the school, then I give the opinion of Imam Rafi'i generally left untranslated because it is the weaker position where mentioned.

@12.1.3 The Title: The Reliance of the Traveller and Tools of the Worshipper

I have named it "The Reliance of the Traveller and Tools of the Worshipper."

"Reliance" means that which is depended upon, since the author meant that this text should be a reliable reference for whosoever uses it, because it contains the most dependable positions of the school and omits the weak ones.

"Traveller" (salik) is derived from the word travel (suluk), meaning to proceed along, which in turn alludes to one's spiritual journey, in which one seeks through seriousness and effort the knowledge of the rules of the religion to reach Allah, the Most High and safety from Hell.

"Tools" are the physical instruments their owner depends on in his work, like those of a carpenter. The tools in this reference are knowledge of the rules of Sacred Law upon which the validity of worship depends.

@12.1.4 I ask Allah to give benefit through it, and He is my sufficiency, and the Best to rely upon.

@*BOOK 13: OBLIGATORY CHARITY (Zakah/Zakat)

Rule of thumb in most if the cases, is that the amount of obligatory charity (Zakah) is calculated as 2.5% of the wealth that is subject to the zakah.

NOTE MEASUREMENTS IN THIS BOOK ARE IN GRAMS OR LITERS. THIS FORM OF MEASUREMENT IS NOT USED IN THE STATES BUT IT IS USED IN UK AND EUROPE.

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@*Chapter 13.1.0: WHO MUST PAY THE OBLIGATORY CHARITY (ZAKAT)

@ Muhammad Shirbini Khatib said, linguistically, “zakat” means growth, blessings, an increase in good, purification, or praise.

In the Sacred Law it is the name for a particular amount of property that must be paid to certain kinds of recipients under the conditions mentioned below.

It is called the obligatory charity “zakat”, because one's wealth grows through the blessings of giving it and the prayers of those who receive it. Also, because it purifies its payer of sin and praises him by testifying to the genuineness of his faith (al-Iqna fi hall alfaz Abi Shuja (y-7), 1.183).

@13-1.1 Zakat is obligatory charity:

- (a) for every free Muslim, male, female, adult, or child;
- (b) who has possessed a zakat-payable amount. The minimum that necessitates the obligatory charity, def; for livestock 13.2.4-5; for grain and dried foodstuffs 13.3.4; for gold, silver, and other money 13.4.2; and for trade goods 13.5.1;
- (c) for one lunar year.

@13-1.2 No obligation upon non-Muslims to pay the obligatory charity (zakat):

There is no obligation upon non-Muslims to pay the obligatory Islamic charity (zakat), neither are apostates from Islam (murtadd, def:9.8) unless they return to Islam. If an apostate returns to Islam he must pay for the time they spent out of Islam. However if an apostate dies as non-Muslims their property is not subject to the obligatory charity payment because their property is considered to belong to the Islamic treasury (bayt al-mal) from the moment such a person left Islam.

@13-1.3 Children and the insane:

The guardian of a child or insane person is obliged to pay the obligatory charity (zakat) from their property if they owe any. It is a sin for the guardian not to pay the zakat due on their property.

When the child or insane person becomes legally responsible, that is, when he reaches puberty or becomes sane, if the guardian neglected to pay the zakat then there is an obligation upon him to pay the past amount of zakat that was due.

@13-1.4 Obligatory charity (zakat) is due from the owner of property that has been:

1. wrongfully seized from him;
 2. stolen;
 3. lost;
 4. fallen into the sea;
 5. or loaned to someone who is tardy in repayment;
- only if the owner regains possession of it, whereupon he must pay the obligatory charity (zakat) due for the whole time it was out of his hands, that is for the year or years that no zakat was paid on the absent property. This is because of his having regained it establishes that it belonged to him the whole time, and his ownership of it not invalidated by the fact of its not having been in his possession during these years, provided that it has remained a zakat-payable amount (nisab) during them. If it has diminished through expenditure to less than the zakat-payable amount, then no zakat need be paid on it. If the owner cannot regain the property, there is no obligatory charity due on it.

@13-1.5 If a landlord rents someone a house for two years and is paid 40 dinars in advance for the two year rental, and retains ownership of the house until the

end of the two years, then at the end of the first of the two years he only pays the obligatory charity (zakat) on 20 dinars.

However, at the end of the second year he pays one year's zakat on the same 20 dinars, which he paid zakat on at the end of the first year. This is because the 20 dinars has now been in his possession for a second year, and pays two years' zakat on the 20 dinars for which he did not previously pay zakat because it remained in his possession for two full years.

@13-1.6 Debts do not remove the obligation:

Someone with only the zakat-payable amount of gold or silver must pay the obligatory charity (zakat) on this amount even when he is in debt because an amount equal to it for debts do not remove the obligation of zakat.

@13-1.7 The obligatory charity (zakat) is not due on anything other than:

1. livestock (13.2.1);
2. some food crops (13.3.2);
3. gold and silver, or their monetary equivalents;
4. trade goods;
5. mined wealth, meaning gold or silver exclusively, as at 13.6.1
6. and wealth from treasure troves buried in pre-Islamic times.

@13-1.8 Obligatory charity (zakat) paid from the kind of property itself:

The obligatory charity (zakat) is paid from the property itself, though it is permissible to take it from another lot of property.

The condition for this is that the amount paid is from the same type of property of the five types mentioned above that the zakat is due on, such that one may not, for example, pay money for zakat due on wheat but must pay in wheat.

An exception to this is trade goods, which are appraised, and the obligatory charity may be paid on them with money, as at 13.5.1(O:) below).

@13-1.9 Obligatory charity year:

By the fact that a full lunar year transpires, i.e. begins and ends while zakat-payable property is in the owner's possession, the poor now own the portion of it and the owner is obligated to pay that portion as charity (zakat).

Therefore, if someone has had 200 dirhams, which is the minimal zakat-payable amount of silver, in his possession for years without paying the obligated charity (zakat), he is only obligated to pay zakat on it for the first year. This is because after that year, the amount owned by the poor (5 dirhams) has diminished the money he possesses to less than the zakat-payable amount.

@13-1.10 Obligatory charity (zakat) belongs to the poor by the passage of a year:

If all one's property were destroyed after having been in one's possession a full year but before it was possible to pay the obligatory charity (zakat) to its deserving recipients, then there is no obligation to pay zakat on it. This is because it was destroyed through no fault of the owner.

However, if only part of the property has been destroyed, such that this diminishes the rest to less than the zakat-payable amount, then one must take the 2.5 percent due on the original amount from the remaining property, and no zakat is paid on the amount destroyed.

If all or part of one's property is destroyed after having been in one's ownership a full year, and the zakat remain unpaid on it and there are eligible recipients, then one must pay the zakat due on both the remainder and the property destroyed.

@13-1.11 When ownership ceases during the year:

The obligatory charity (zakat) is not obligatory if a person's ownership of the property ceases during the year, even if only for a moment, and it then returns to his possession; or even if it does not return; or if the person dies during the year.

@13-1.12 Beginning of the obligatory charity (zakat) year:

The obligatory charity (zakat) year begins on property purchased or inherited when the buyer or inheritor takes possession of it. However, if a person relinquishes his ownership of property during the zakat year just to avoid paying zakat on it, this is considered an offensive act; (some scholars differ about it.) The more reliable opinion is that it is unlawful, though the transaction would be legally valid (dis: 8.5.2).

If such person sells the property after possessing it a full year and before paying zakat on it, for example as when he sells it all, or sells part and the rest is not enough to require zakat, then the sale of the proportion of the property that was owed as zakat becomes invalid. This is because it belonged to someone else, for it is not valid to sell another's property without his consent, although the sale of the proportion of the property that was not owed as zakat is valid.

@*Chapter 13.2.0: OBLIGATORY CHARITY ON LIVESTOCK

@13-2.1 The obligatory charity (zakat) on livestock is restricted to camels, cattle, sheep, and goats.

@13-2.2 Conditions under which the obligatory charity (zakat) is payable:

Zakat is obligatory when one has owned:

- (a) a zakat-payable number of livestock;
- (b) for one year;
- (c) and has been grazing them on un-owned open range, as discussed below, for the entire year.

There is no obligatory charity (zakat) on work animals, for example, those trained to plow or bear loads, this is because the purpose in having them is utility, like clothes or household furnishings, and is not production.

“Grazing” means they have been grazed on open range pasturage that is, open range excluding pasturage growing on land that a person owns because then it would be considered fodder.

If the livestock have been given fodder for a period long enough that they would have been unable to survive had they not eaten during it, then there is no obligated charity due on them. However, if fed with it for less than such a period, then this does not affect the necessity of paying zakat on them.

There is no zakat on cattle that have been fed solely on fodder or grain, even if they could have otherwise been grazed. It is religiously more precautionary (8.6.5) and of greater benefit to the poor to follow Imam Malik on this question. Malik holds that zakat is obligatory whenever one has possessed a zakat-payable number of livestock for a year, whether or not they are work animals, and whether they have been grazed on open pasturage or fed with fodder for the entire year (al-Sharh al-saghir ala Aqrab al-masalik ila maThhab al-Imam Malik(y-35), 1.592).

H2.3 (was not translated)

@13-2.4 Cattle:

For cattle, the minimum on which the obligatory charity (zakat) is payable is 30 head. The obligatory payment of which is to pay a yearling, meaning a male calf in its second year although a female may take its place, being worth more.

The zakat due on 40 head of cattle is a two-year-old female that has entered its third year, a male will not suffice.

The zakat on 60 head of cattle is 2 yearling males. Zakat on additional numbers is figured in the same way: on 30 head, a yearling male, and on 40 head, a two-year-old female according to which of the two alternatives accommodates the last 10 head (dis:13.2.6).

@13-2.5 Sheep and goats:

For sheep or goats (the Arabic word “ghanam” refers to both species), the minimum on which the obligatory charity is payable is 40. The obligatory charity due on the minimum is a “shah”, which means, either a one-year-old sheep in its second year, or a two-year-old goat in its third year. The zakat on 121 sheep or goats is 2 shahs, on 201 sheep or goats is 3, on 400 sheep or goats is 4 and for every additional 100 the zakat is 1 shah.

@13-2.6 On numbers between obligatory charity (zakat) payable quantities, etc:

Numbers of camels, cattle or goats or sheep which are between the obligatory charity (zakat) quantities, for example which number more than the last relevant zakat quantity but do not amount to the next highest one, are not counted, and no zakat is due on them.

@13-2.7 New offspring of a zakat-payable quantity of livestock that are born during the year are counted for the obligatory charity (zakat) of the year their mothers are currently in, no matter whether their mothers survive or die.

Therefore, if one owned 40 sheep or goats which gave birth to 40 young a month before the year's end, but then the 40 mothers died, the obligatory charity (zakat) on the offspring would be 1 shah (13.2.5).

H2.8 (was not translated)

@13-2.9 Type of animals payable:

If a group of livestock are all female, or are both male and female, then only a female animal may be paid as the obligatory charity (zakat), except as mentioned above (13.2.4) for 30 cattle, where a yearling male is acceptable.

@13-2.10 When a group of livestock are all male, then a male animal may be paid as the obligatory charity (zakat).

@13-2.11 If all the livestock are below the minimum age that may be paid as the obligatory charity (zakat) (13.2.4-5), then one of them is given anyway. But if the herd is mixed, with only some of them underage, then only an animal of the acceptable age may be paid.

@13-2.12 If the animals of the herd are defective, an animal is taken which is of the average defectiveness of the group. "Defective" meaning with defects that permit return for refund when sold as merchandise (16.5.3).

@13-2.13 If the herd is composite, such as sheep and goats, then either kind may be paid as the obligatory charity (zakat), though the value of the animal given must correspond to the average value of the members of the herd.

@13-2.14

The following are not taken as obligatory charity (zakat) unless the owner wishes to give them:

1. a pregnant female because of its superiority;
2. one that has given birth because of its high yield of milk;
3. a stud because it is for insemination, and the owner would suffer its loss;
4. a superior quality animal;
5. or one fattened for eating.

@13-2.15 Obligatory charity (zakat) on jointly owned property etc:

Two people pay the obligatory charity (zakat) jointly as a single person if:

1. they jointly own a zakat-payable amount of livestock or something else, for example, fruit, grain, money, or trade goods, as in the situation when two people inherit it;
2. or when the property is not jointly owned, as when each owner has, for example, 20 head of cattle (the minimum herd on which zakat being payable amounts to 40), but they share the same place to bed them down, to gather them before grazing, to pasture, water, or milk them, or share the same stud, employ the same shepherd, or similar, such as having the same watchman. The same applies for orchards and fields, the same drying or threshing floor, for fruit or grain, the same store, or the same warehouse.

@*Chapter 13.3.0: OBLIGATORY CHARITY ON CROPS

@13-3.1 Rulings that apply only to farmers:

The rulings of this section apply to the farmers who grow the crops. As for those who buy agricultural produce with the intention to sell it, their produce is no longer considered in the same way as crops, rather they are considered as a type of trade goods, and the obligatory charity (zakat) on it must be paid accordingly (def; 13.5).

@13-3.2 Kinds of crops on which obligatory charity (zakat) is due

There is no obligatory charity (zakat) on grains or legumes except the staple types that people cultivate, dry, and store, such as wheat, barley, millet, rice, lentils, chickpeas, broad beans, grass peas, and Sana'i wheat.

There is no zakat on fruit except raw dates and grapes when the zakat on grapes being taken in raisins, and on dates, in dried dates.

There is no zakat on vegetables, nor on seasonings such as cumin or coriander this is because the aim in using them is preparation of food, not nourishment.

@13-3.3 Obligatory charity (zakat) due as soon as crops are possessed:

It is obligatory to pay zakat as soon as one possesses the zakat-payable amount (below) of grain, or when the ripeness and wholeness of a zakat-payable amount of dates or grapes is apparent. "Otherwise, one there is no obligation"

@13-3.4 Obligatory charity (zakat) payable amount of crops

The minimal quantity on which the obligatory charity (zakat) is payable for crops is 609.84 kilograms of net dried weight, free of husks or chaff, though for rice and Sana'i wheat, which are stored in the kernel, the zakat minimum, including husks, is 1219.68 kilograms of dried weight. The obligatory charity (zakat) is not taken from grain until it has been winnowed, meaning free of straw, nor from fruits until they are dried:

The produce for the entire year, "entire year" meaning the agricultural year, is added together in calculating the zakat minimum when, for example, the

season's first crop alone is less than the zakat minimum. When one crop is harvested after another due to varietal differences or the location of the two fields in the same year, and of the same kind of crop such as spring wheat and winter wheat, the obligatory charity (zakat) is paid from them as if they were a single quantity.

Different varieties of grain are also calculated additively when harvested at the same time, though the fruit or grain of one year is not added to the fruit or grain of a different year.

Grapes are not calculated cumulatively with dates, nor is wheat with barley as they are different from one another.

@13-3.5 Irrigated crops versus un-irrigated crops:

The obligatory charity (zakat) for crops that have been watered without effort, as by rain and the like, is 10 percent of the crop i.e. of the net dried storage weight of the grain, raisins, or dates.

The zakat for crops that have been watered with effort such as on land irrigated by ditches or waterwheel is 5 percent of the crop. (Hydroponics needed be examines)

If a crop has been raised without irrigation for part of the year and irrigated for part of it, then the zakat is adjusted according to the period, meaning how much of the time the fruit or crops were growing.

It is more reliable to consult agricultural experts as to how much of the crop's water came from rain and how much came from irrigation. If 50 percent of the water came from each, for example, one would pay 7.5 percent of the crop as zakat, as this is the mean between the above two percentages.

@13-3.6 No repetition of payment on crops

If you are a farmer, then after you have paid the obligatory charity (zakat) once on a crop nothing further due on it, this is because there is no repetition of zakat on one's crops when they are in storage, even if it remains in one's possession for years.

@13-3.7 It is unlawful for the grower to consume dates or grapes, or otherwise dispose of them or sell them before they have been assessed, meaning, estimated as to how much there is.

If the grower either consumes the dates or grapes, or disposes or sells them before they are assessed he is responsible for the portion to be paid as the obligatory charity (zakat), because a portion of the loss belongs to the poor. (dis:13.1.9).

@13-3.9 If an act of God destroys the fruit after assessment, there is no obligatory charity (zakat) due.

@*Chapter 13.4.0: OBLIGATORY CHARITY (ZAKAT) ON GOLD, SILVER AND OTHER MONEY

@13-4.1 Conditions under which the obligatory charity (zakat) is payable:
The obligatory charity (zakat) is due from anyone who has possessed the zakat-payable amount of gold or silver for one year.

@13-4.2 Amounts on which the obligatory charity (zakat) is due:
The zakat-payable minimum for gold is 84.7 grams, on which 2.1175 grams i.e. 2.5% is due.

The zakat-payable minimum for silver is 592.9 grams, on which 14.8225 grams i.e. 2.5% is due. There is no zakat on amounts less than this.

The obligatory charity of 2.5% is due on all money that has been saved for the current year if it equals at least the market value of 592.9 grams of silver.

@13-4.3 The obligatory charity (zakat) is exacted proportionately (2.5 percent) on any amount over these minimums, whether the gold or silver is in coins, ingots, jewelry prepared for uses that are unlawful or offensive (dis:14.17.6,8,11), or articles which are permanent acquisitions.

@13-4.4 Lawful versus unlawful women's jewelry
There is no obligatory charity (zakat) on gold or silver jewelry that is for permissible wearing.

@*Chapter 13.5.0: OBLIGATORY CHARITY ON TRADE GOODS

@13-5.1 A obligatory charity (zakat) of 2.5 percent is payable for anyone who:
(a) has possessed trade goods for a year no matter whether the merchandise itself remains, or whether there is sale and replacement, as below at 13.5.4-5;
(b) whose value at the end of the obligatory charity (zakat) year's end (13.5.3) equals or exceeds the zakat minimum which is 592.9 grams of silver if bought with monetary currency or silver, or 84.7 grams of gold if bought with gold, provided:

(c) that the trade goods have been acquired through a transaction such as a purchase, or acquired by a woman as her marriage dowry (Mahr, def:17.8), or received as a gift given in return for something else (dis:16.31.4), or such as articles rented from someone in order to rent them out to others at a profit, or land rented from someone in order to rent it out to others at a profit;
(d) and that at the time of acquisition, the owner intended to use the goods for trade.

There is no obligatory charity on the trade goods if the owner acquired them by estate division (irth, def:23.1) or received them as a gift, or if he acquired them by purchase but at the time did not intend using them for trade.

@13-5.2 Beginning of the obligatory charity (zakat) year on trade goods:

The year is calculated as having started at the point when a person's purchases of merchandise reaches the equivalent value on which the minimum amount of gold or silver would be subject to the obligatory charity.

But the year of the merchandise's possession is considered to have begun at the moment of purchase if:

1. the owner has bought the merchandise for less than the obligatory charity (zakat) minimum, provided the price of the merchandise plus his remaining money do not amount to the zakat minimum;
2. or he has bought it in exchange for non-monetary goods provided they are not also trade goods, as outlined in 13.5.4. If they are, the zakat year continues from the zakat year of the previous goods.

@13-5.3 Estimating whether goods have reached the zakatable minimum:

Merchandise is appraised at its current market value at the end of the zakat year:

1. in terms of the same type of money that it was purchased with. If it was bought with money i.e. purchased with silver or monetary currency, we see if the merchandise's market value at the year's end has reached that of the silver zakat minimum (def:13.5.1(b)) and likewise with gold. If, at the time of purchase the commodity was purchased for an amount that had not reached the level of being eligible to pay to the obligatory charity, but later its value reached that value, the obligatory charity is payable on it.
2. or in terms of its value in local monetary currency, if the merchandise was acquired by other than paying money for it, such as in exchange for goods, or acquired as a marriage dowry (mahr), or in exchange for releasing a wife from marriage (def:19.5). If its value equals the obligatory charity (zakat) minimum (13.5.1(b)), then the zakat is paid. However, if it does not then there is no zakat on it until the end of the next year when it's value is re-appraised.

It is not a condition that the value of the trade goods amount to the zakat minimum except at the end of the year(not at the beginning, middle, or during the whole of the year).

@13-5.4 If trade goods are exchanged for other trade goods during the course of the year, this does not interrupt their possession. This is because the obligatory charity (zakat) on merchandise is based on the value, and the value of the previous merchandise and the new merchandise is the same, so the year of its possession is not interrupted by transferring it from one set of goods to another. However, the zakat year of the funds, which a professional money-changer

exchanges, for other funds is interrupted by each exchange and he pays no zakat as long as he keeps changing his business capital.

@13-5.5 If the merchandise is sold during the obligatory charity (zakat) year at a profit and its price is kept until the end of the year, then zakat on the merchandise's original value is paid at the end of that zakat year. However, the zakat on the profit is not paid until the profit has been possessed for a full year.

There is another opinion in the Shafi'i school, which is that the zakat on the profit is simply paid in the current zakat year of the merchandise, just as one pays zakat on the offspring of livestock (dis:13.2.7) In the current year zakat about the livestock origins. (Mughni al-muhtaj ila ma'rifa ma'ani alfaz al-Minhaj (y-73), 1.399).)

@*Chapter 13.6.0: OBLIGATORY CHARITY (ZAKAT) ON MINES AND TRASURE TROVES

@13-6.1 Mines

The obligatory charity (zakat) of 2.5 percent is immediately due on:

- (a) the zakat minimum or more of gold or silver (def:13.4.2). The obligatory charity is not due on such as iron, lead, crystal, turquoise, cornelian, emerald, antimony.
- (b) extracted from a gold or silver mine located on land permissible for the miner to work or owned by him;

(c) and that this amount of ore has been gathered by working the site one time, or several times uninterrupted by abandoning or neglecting the project.

The zakat is only paid after the ore is refined into metal.

If the person stops working the site for a justifiable reason, such as non-recreational travel, or for illness, or to fix equipment, then he adds the ore collected after the interruption to the ore previously collected. Once this is done it is determined whether or not the zakat minimum has been reached and if it has to calculate the amount payable.

Ore found on someone else's land belongs to the owner of the land.

@13-6.2 Treasure troves

An immediate payment of the obligatory charity (zakat) of 20% is due upon finding a treasure trove that was buried in pre-Islamic times or by non-Muslims, ancient or modern if it amounts to the zakat minimum (13.4.2) and the land is not owned.

If the treasure is found on owned land, it belongs to the owner of the land. If it is found in a mosque or street, or was buried in Islamic times, it is considered as a lost and found article (16.27).

@*Chapter 13.7.0: THE OBLIGATORY CHARITY (ZAKAT) OF EID AL-FITR

@13-7.1 Who must pay:

The payment of the obligatory charity (zakat) of `Eid al-Fitr is obligatory upon every free Muslim, provided:

(a) that one has the necessary amount (2.03 liters of food);

(b) and that on the night before the `Eid or on the day of `Eid itself, this is in excess of what one needs to feed oneself and those whom one is obligated to support (def:17.12.1) including what one needs to clothe them, and in excess of one's debts and housing expenses. If one's excess amounts to only part of the required zakat, one must pay as much of it as one has.

@13-7.2 Paying the obligatory charity (zakat) of `Eid Al-Fitr for one's dependents: Someone who is obligated to pay the obligatory charity (zakat) of `Eid al-Fitr must also pay it for every person he is obligated to support. For example, his wife and family if they are Muslim and if he has enough food, meaning 2.03 liters per person above his own expenses and theirs.

There is no obligation to pay for his father's wife when he supporting his father because of the father's financial difficulties, even though there is an obligation to support her (dis: 17.12.5).

@13-7.3 If there is an obligation upon oneself to pay the obligatory charity (zakat) of `Eid al-Fitr but you only have enough to pay part of it, then one begins by what is due from oneself. This is followed by paying for one's wife, young child, father, mother, and then one's adult son if he has no income or is either chronically ill or insane, if his condition is otherwise then there is no obligation to support him.

@13-7.4 A wealthy woman married to a man too poor to pay her `Eid al-Fitr obligatory charity (zakat) is not obligated to pay her own zakat, although it is Prophetic practice for her to pay this and all forms of zakat to her husband, even if he then spends it on her.

@13-7.5 When to pay the obligatory charity of `Eid al-Fitr: 7.5

The obligatory charity (zakat) of `Eid al-Fitr becomes obligatory when the sun sets on the night before the day of `Eid, which is the evening of the last day of Ramadan.

@13-7.6 What type of food must be given

The obligatory charity (zakat) of `Eid al-Fitr consists of 2.03 liters of the main staple food of the area in which it is given. It is given from crops on which zakat is payable (def:13.3.2). For example, if as in many countries, the main staple food is bread, only wheat may be given. In the following texts when the expression

“giving food” is mentioned this is what is meant, it is also applies for expiation (21.3.22(2)).

The Hanafi school permits paying the poor the wheat's value in money, both for the obligatory charity and for expiation. It is also permissible to give the best quality of the staple food of the area, but one must not to give less than the usual quality, for example one must not give barley when wheat is the main staple food.

@13-7.7 When it is due

It is permissible to give the obligatory charity (zakat) of `Eid al-Fitr to deserving recipients (dis: 13.8.26)) anytime during Ramadan, although the best time is on the day of `Eid al-Fitr before the prayer (def:14.19.1).

It is not permissible to delay giving it until after the day of `Eid al-Fitr, however one may pay it up until the sunset on that day.

It is sinful to delay paying the obligatory charity, and it is obligatory to make it up.

@*Chapter 13.8.0: GIVING THE OBLIGATORY CHARITY (ZAKAT) TO DESERVING RECEIPIENTS

@13-8.1 Delaying payment of the obligatory charity (zakat) is unlawful:

It is unlawful to delay paying what is due from a zakat-payable amount of property when:

- (a) it has been possessed for one year;
 - (b) one can find either some or all of the eight categories of eligible recipients that enables it to be paid;;
 - (c) and the property is present, meaning within 81 km./50 miles;
- unless one is awaiting a poor person more deserving than those present, such as relative whom there is no obligation upon him to support, a neighbor, or a more righteous or needy person. Under these circumstances it is not unlawful to delay giving it because there is an excuse unless its withholding involves considerable harm for those present.

@13-8.2 Paying the obligatory charity in advance:

If a person is able to pay the minimum obligatory charity (zakat) due on any type of property before the end of the zakat year, then it may be paid in advance before the year ends. The advance payment is only valid under the following circumstances:

- a. the person who received the obligatory charity remains in the same condition, that is, his circumstances have not changed from poverty to that of being wealthy.
- b. there is still an obligation upon the zakat giver to pay it.
- c. the property is still as it was, for example it still exists, it has not been destroyed or sold.

The advance payment of the obligatory charity is not valid if, before the end of the zakat year:

- a. the person who received it in (a) above dies, or had become financially independent on account of receiving something other than receiving the zakat.
- b. The zakat giver dies.
- c. The value of the property diminished to less than the zakat minimum by more than that which was given in advance, even when the reduction is because of sale. For example, when the giver pays 5 dirhams as zakat in advance from 200 dirhams, but his holdings are subsequently reduced by 10 dirhams to 190 dirhams, which is now less than the zakat minimum.

If at the time of giving, the zakat payer specifically told the recipient that the payment was that of “advance zakat” he may now request it to be given back as it is no longer valid.

If what was given as zakat still exists, the recipient gives it back together with any increment organically connected with it, such as additional weight gained by a head of livestock while in the recipient's possession. However, the property owner is not entitled to take back an increment that is not organically connected to the zakat, such as its offspring that was born from the animal while in the recipient's possession.

If the zakat given in advance no longer exists, then the giver is entitled to take back a substitute. The substitute may be a replacement for a commodity (mithli, def: 16.20.3 (1)), such as silver dirhams. When the commodity is non-replaceable, such as a sheep or a goat, the market value at the time the advanced zakat was paid is the repayment and not the time it ceased to exist.

After the return of the advanced zakat, the zakat giver pays the zakat from his wealth again if he the obligation remains.

The zakat in advance that is paid from the zakat-payable amount (nisab) is considered as if still part of the giver's property, meaning, only in respect to calculating whether the giver's total property equals the zakat-payable amount. It is not actually considered as still belonging to the zakat giver, since the recipient is entitled to dispose of it by sale or otherwise while it is in his possession.

Therefore, if the zakat giver paid a sheep in advance as zakat on 120 head, and one of the sheep then gave birth to a new lamb, the giver would now be obligated to pay another sheep because it is as if he owns the next highest zakat-payable amount of 121 head (dis:13.2.5).

@13-8.3 Authorizing another to distribute one's obligatory charity (zakat):

It is permissible for the obligatory charity (zakat) giver to personally distribute his zakat to eligible recipients or to authorize an agent (wakil, def:16.17) to do so on his behalf.

It is permissible for the zakat giver to pay his zakat to the imam or his representative, and this is considered to be superior, unless the imam is unjust, in which case it is better to distribute it oneself.

@13-8.4 The prayer of the recipient for the obligatory charity (zakat) giver: When the obligatory charity (zakat) giver, or his agent distributes his zakat among the deserving recipients, the recipients should supplicate for the giver saying, "May Allah reward you for what you have given, bless you in what you have retained, and purify it for you."

@13-8.5 Intention when giving the obligatory charity (zakat): Making the intention to pay the obligatory charity (zakat) is a necessary condition for the validity of its giving.

The intention is made when the zakat is paid to the poor person or the one being authorized to distribute it, and one must intend giving it as the zakat of one's property. It is also permissible to make the intention before paying the money.

Once the person paying the zakat has made the payment intention, it is unnecessary for the designated distributing agent to make the intention as the payer's intention suffices. However, it is also permissible for the payer to authorize an agent to both make the intention and distribute the obligatory charity.

@13-8.6 It is recommended that the imam should send a zakat worker to collect the obligatory charity (zakat) from those upon whom there is an obligation to pay.

A zakat worker must be an upright Muslim (9.24.4) who knows the rules related to zakat.

The zakat worker cannot be from the Hashimi or Muttalibi tribes of the Koraysh.

@13-8.7 The eight categories of recipients:

[9.60] The obligatory charity shall be only for the poor and the needy, and for those who work to collect it, and to influence hearts (to belief), for ransoming captives, and debtors in the Way of Allah and the destitute traveler. It is an obligation from Allah. Allah is Knowing, Wise.

[2.215] They will question you about what they should spend (in charity). Say, 'Whatever good you spend is for (your) parents, kinsmen, orphans, the needy, and the destitute traveler. Allah is Aware of whatever good you do.'

It is obligatory to distribute one's zakat among eight categories of recipients. Those outside these eight categories are not eligible to receive the obligatory charity.

In the Shafi'i school each category receives one-eighth of the zakat.

In the Hanafi school it is valid for the giver to distribute his zakat to either all of the categories, some of them, or to confine the paying to just one category. (al-Lubab fi sharh al-Kitab(y-88), 1.155).

@13-8.8 The poor

The first category is "the poor", meaning someone who:

(a) does not have enough to suffice himself. This includes a person without any wealth, or has very little wealth to sustain him and is unable to earn a living, and what little he has is insufficient to sustain him until the end of his life.

"Insufficient" meaning less than half of his basic needs;

(b) and is either:

1. unable to earn a living in a manner that befits him, such as that of a noble profession, as opposed to work that is unbefitting; this being the case he is considered as being the same as those unable to work. If such an individual were an important personage unaccustomed to earning a living by physical labor, he would be considered "poor". This also includes having the ability to do suitable work but there is no suitable employment available;

2. or is able to earn his living, but by doing so would be prevent from acquiring knowledge of the Sacred Law. Imam Nawawi says that if a person is able to earn a living by suitable employment, but by taking such employment it would prevent him from acquiring knowledge of the Sacred Law, then he is eligible to receive zakat because the acquisition of such knowledge is a communal obligation. However, zakat is not lawful for someone who is able to earn a living that cannot acquire knowledge, even if he lives at a school.

In his book Al Majmu' (y-108), 6, 190-91) in the chapter "Voluntary Charity", Darami mentions three positions that relate to someone engaged in acquisition of religious knowledge saying:

- he deserves charity even when able to earn a living;
- that he does not deserve it;
- but if he is an outstanding student who can be expected to develop a good comprehension of the Sacred Law through which Muslims will benefit, then he is a deserving recipient of charity, but if not, then he does not qualify.

On the other hand if it is one's religious devotions that make one too busy to earn a living, then one is not considered poor.

@13-8.9 a destitute traveler who is separated from his money by at least 81 km/50 miles. is eligible to receive the obligatory charity (zakat). (This was in the

past. In our day it is fitter to say that he must be far from his money in terms of common acknowledgement (14.4.5).) (Such a person's absent property is as if nonexistent, and his "poverty" continues until the money is present. Likewise, someone owed money on a debt not yet due who does not have any other money is given zakat when it is distributed (to suffice him) until the debt becomes due.)

@13-8.10 Those entitled to other support are not given the obligatory charity (zakat):

People whose needs are met by the expenditures of those who are obligated to support them such as their husbands or families are not given the obligatory charity (zakat). Although it is permissible for a third party to give the obligatory charity (zakat) to such a dependent by virtue of the dependent's belonging to some category other than the poor or those short of money (below). For example, when the person comes under a category such as a destitute traveler in need of money (13.8.18) or those whose hearts are to be reconciled (13.8.14).

@13-8.11 Those short of money

The second category is "people short of money", meaning someone who has only a little to spend upon his needs, and what he has is not enough. For example, when he needs five dirhams but only has three or four.

The considerations applicable to the poor person also apply to someone short of money, meaning, he is given the obligatory charity if he cannot earn a living by work that befits him (13.8.8(b)), or if he can earn a living but acquisition of knowledge of Sacred Law prevents his doing so.

If a person spends his time in extra worshiping and it is that which prevents him from working he is not eligible to receive zakat.

@13-8.12 How much the poor are given

A person who is classified as "being poor or short of money" is given tools and materials relative to his trade with which he can then use to earn a living, or, for example in the case of a merchant, commodities with which he can trade. In other words the recipient is given according to the demands of his profession. His amount varies, depending on whether, for example, he is a jeweler, clothier, grocer, or other.

If the recipient has no trade, that is, he is unable to do any work, whether for wages, by trading, or other, then he is given enough obligatory charity (zakat) to fulfill his needs from the present until the end of his probable life expectancy. His life expectancy is based on the average person like him in his locality. However, there is another position, which is that such a person is given enough for just one year.

These measures are obligatory when there is an abundance of zakat funds available, no matter whether the imam distributes it or a property owner. However, if there is a limited amount of zakat available, the zakat is distributed as is, that being an eighth to each category.

@13-8.13 Obligatory charity (zakat) workers:

The third category consists of the “obligatory charity (zakat) workers” - the above-mentioned agents (13.8.6) dispatched by the imam. These include the person collecting it, the clerk who records the payers amount paid, the person who matches the payers to recipients, and the one who distributes it to the recipients.

The zakat workers receive an eighth of the zakat funds. If this amount is more than it would cost to hire someone to do their job, then they return the excess for distribution to the other categories of recipients. But if less than the cost of hiring someone, then enough is taken from the zakat funds to make up the difference. All of this applies only if the imam is distributing the zakat and has not allotted a fee to the zakat workers from the Islamic treasury (bayt al-mal).

If the property payer is distributing the zakat, or if the imam has allotted the workers a fee from the common fund then the zakat funds are divided solely among the other categories of recipients.

@13-8.14 Those whose hearts are to be reconciled:

The fourth category is “those whose hearts are to be reconciled”. If they are non-Muslims, they are not given the obligatory charity, but if Muslims, then they may be given it so that their certainty may increase, or if they are recent converts to Islam and are alienated from their kin.

Those to be reconciled include:

1. society figures whose Islam is weak but may be expected to improve, or whose peers may be expected to enter Islam;
2. or the organizers who collect zakat on our behalf from Muslims living near them that refuse to pay it, or who fight an enemy for us at considerable expense and trouble to themselves.

@13-8.15 Those purchasing their freedom:

The fifth category is that of “slaves purchasing their freedom” from their owners, but do not have the means. Such are given sufficient money from the obligatory charity (zakat) to enable them to secure their release.

@13-8.16 Those in debt:

The sixth category is “those in debt”, of which there are three types:

1. A person who incurs debts in order to reconcile between two people, parties, or tribes, involving bloodshed. For example, when a killing has occurred but the killer is unknown and through which trouble has arisen between the two sides. Or, to settle troubles relating to property in which expenses have occurred on

account of the trouble. In such cases the arbitrator is given obligatory charity (zakat) even if he is affluent.

2. A person who incurs debts to support himself or his dependents is given zakat if he is poor, but not if he is affluent. If he incurs a debt for something lawful, but spends it on something unlawful, and then sincerely repents, and the original reason is known to have been something lawful, then he is given zakat.

3. And a third type, not mentioned by the author, which is a debt that has arisen on account of going into debt because of a loan that remains unpaid. For example there are three people P, Q, and R. R incurs a debt by guaranteeing (daman, def: 16.15) to P that Q will pay P what Q owes him. If R finds that neither he nor Q can make the repayment, R is given the obligatory charity because he got himself in debt in order to guarantee Q's debt. This applies even if the reason R agreed to guarantee Q was not charity, (But was rather that Q would pay him back.)

@13-8.17 Those fighting for Allah:

The seventh category is "those fighting for Allah", meaning, people engaged in Islamic military operations for whom no salary has been allotted in the army roster, such people being volunteers for jihad without remuneration.

Such volunteers are given enough to suffice them for the operation, even if they are affluent having weapons, mounts, clothing, and expenses for the duration of the journey, round trip, and the time they spend there, even if prolonged.

Although nothing has been mentioned here of the expense involved in supporting such people's families during this period, it seems clear that they should also be given the obligatory charity.

@13-8.18 Destitute travelers in need of money:

The eighth category is the "destitute traveler" in need of money, meaning one who is passing among through a town in Muslim lands where the obligatory charity (zakat) is collected, or whose journey was not undertaken for the purpose of disobeying Allah. If such a person is in need, he is given enough to cover his personal expenses and transportation, even if he possesses money back home.

@13-8.19 Paying the obligatory charity (zakat) to recipients:

A person who qualifies as a member of two or more of the above categories is only given the obligatory charity (zakat) for one of them.

@13-8.20 Recipients place of residence:

When the eight categories of recipients exist in the town where the obligatory charity (zakat) is collected, it is unlawful and invalid to give it to recipients elsewhere. It must be paid to those present if the property owner is distributing his own zakat.

However, other schools of jurisprudence permit giving it elsewhere. But if the imam is distributing the zakat, he may give it to recipients in a different place. If the zakat payer's property is in the desert, or none of the eight categories of eligible zakat recipients exist in his own town, then the zakat should be distributed in the nearest town.

@13-8.21 Each category receives an equal share:

Each category of recipients must receive an equal share, one-eighth of the total (dis:13.8.7). However, one may give various individuals within a particular category more or less, except for zakat workers, who receive only their due wage (def:13.8.13).

If one of the categories does not exist in one's town, their eighth is distributed over the other categories such that each of them gets one seventh.

If two categories of recipients do not exist in the town, then each of the remaining categories receive a sixth of the zakat, and so on. When there is only one category in a town all the zakat would be paid to it.

It is obligatory to give zakat to every individual member of a category if the payer is distributing zakat and the individuals are of a limited, known number, or if the imam is distributing zakat, and it is possible to distribute it person by person and include them all because of the abundance of funds.

If the payer is distributing zakat and the recipients in each category are not of a limited, known number, then the fewest permissible for him to give to in one category of zakat workers, in which a single person is enough.

@13-8.22 Recommended to give to relatives:

It is recommended to give one's zakat to relatives other than those one is obligated to support (17.12.1).

@13-8.23 Needier recipients:

It is recommended to distribute the obligatory charity (zakat) to recipients in proportion to their needs, giving someone who needs 100 dirhams, for example, half of what one gives to someone who needs 200.

@13-8.24 Obligatory charity (zakat), non-Muslims and others:

It is not permissible to give the obligatory charity (zakat) to a non-Muslim, or to someone whom one is obligated to support (17.12.1), such as a wife or family member.

@13-8.25 Giving the obligatory charity (zakat) to those who owe one debts:

The payment of the obligatory charity (zakat) is invalid when given to a poor person with the condition that he returns it to you to pay off a debt he owes you.

It is also invalid if you tell the recipient, "I hereby make the money you owe me zakat, so keep the debt you owe me for yourself."

However it is permissible:

1. for the payer to pay his zakat to a poor person who owes him money when the payer's intention is that the recipient should pay him back with it;
2. for the zakat payer to tell the poor person, "Pay me the money you owe me so that I can give it to you as zakat";
3. or for the poor person to tell his creditor, "Give me zakat so that I can repay you with it."

However, it is not obligatory to fulfill the promises alluded to in (2) and (3) above.

@13-8.26 Distributing the obligatory charity (zakat) of `Eid al-Fitr:

All of the above rulings concerning the obligatory charity (zakat) (13.8.2-25) apply to the zakat of 'Eid al-Fitr (def; 13.7).

It is permissible for a group of people to pool their zakat of `Eid al-Fitr, mix it, and collectively distribute it, or for one of them to distribute it with the others permission.

@*Chapter 13.9.0: VOLUNTARY CHARITY

@13-9.1 Recommended especially at noble times and places:

Giving voluntary charity is recommended at all times; especially during Ramadan, before praying for something one needs, when there is an eclipse, illness, or embarking on a journey, and at all noble times and places. For example during the first ten days of Thul Hijja or the days of `Eid and in places such as Mecca or Medina.

@13-9.2 Better to give to the righteous, relatives, etc:

It is superior to give charity from one's "best wealth" to righteous people, to one's relatives and this is better than giving to the righteous, even those of them who are one's enemies. Giving charity from one's "best wealth" means that which is known to be from a lawful source, rather than from a doubtful source, or giving what is of poor quality, both of which are offensive to give as charity.

It is unlawful to give property that has been unlawfully obtained if one knows its rightful owner. If not, one must give it as charity or taxes (10.32) to remove it from one's possession.

@13-9.3 Unlawful for those in debt to give charity:

It is unlawful to give as charity money needed to support one's dependents or needed to pay a debt that is currently due. This is because supporting one's dependents or paying a current debt are obligatory, and obligatory acts take precedence over those recommended.

@13-9.4 Giving away everything:

It is recommended to give away everything one owns in charity that is in excess of personal expenses and the expenses of those there is an obligation to support, provided one can be patient with the resultant poverty.

However, if one cannot be patient, it is offensive to give away what is in excess of one's needs.

@13-9.5 It is offensive to ask for anything besides Paradise with the words "For the sake [lit. "By the countenance"] of Allah," though if someone does, it is offensive not to give to him.

@13-9.6 Unlawful to remind recipients of charity given:

It is unlawful to remind a recipient of charity that one has given him (mann, dis:10.36), and it eliminates the reward.

@13-9.7 Giving to those not in need, etc:

It is permissible to give charity to a person not in need, or to a relative of the Prophet - may Allah venerate him and give him peace.

It is offensive for a person not in need to accept charity, and preferable that he avoids it. It is unlawful for such a person to accept it if he pretends to be needy, and is unlawful for him to ask for charity.

It is permissible to give charity to a non-Muslim but not the obligatory charity as mentioned in 13.8.24.

@*BOOK 14: THE PRAYER (SALAT)

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@*Chapter 14.1.0: WHO MUST PRAY

@ The legal basis for the prayer is found in the verses of the Koran:

"Establish your prayers" (Koran 2.43),

and the Prophet Muhammad's saying (Ahadith), may Allah venerate him and give him peace : "On the night I was taken from Mecca to Jerusalem [dis: Koran 17.1], Allah imposed fifty obligatory prayers upon my nation. So I kept petitioning Him in the matter, requesting them to be lightened, until He reduced them to five during each day and night";

@14.1.1 Conditions in which prayer is not obligatory

The prayer is only obligatory upon Muslims who have reached puberty, are sane, and in condition of purity, meaning, not during menstruation or postnatal bleeding.

Those who lose their reason through insanity or illness do not have to make-up the prayers they miss while in such a condition, neither must converts to Islam make-up for the prayers that were missed before they embraced Islam.

An apostate from Islam (murtadd, def:9.8) who returns to Islam must make-up every prayer that has been missed.

@14.1.2 Age at which prayer becomes obligatory

When a child is able to discriminate and has reached the age of seven he is to be ordered to perform the prayer. When he reaches the age of ten and neglects the prayer he is to be slapped, but not too harshly, in order to discipline him, but no more than three times.

@14.1.3 Denying the obligation to pray etc.,

Any Muslim who denies the obligations of prayer, payment of the obligatory charity, fasting Ramadan, making the pilgrimage, or the unlawfulness of wine and adultery, or denies something else upon which there is scholarly consensus (ijma', def:7.7) and which is known to any Muslim as being part of the religion, becomes an unbeliever.

If a Muslim denies the obligatoriness of something for which there is no scholarly consensus he is not judged to be an unbeliever.

@14.1.4 Intentional neglect of prayer:

A Muslim who holds the prayer to be obligatory but through lack of concern neglects to perform it until its proper time is over has not become an unbeliever (dis: w-18.2) rather, he is executed, washed, prayed over, and buried in the Muslim's cemetery (as he is one of them. The authentic opinion it is that it is recommended that he be asked to repent (and if he does repent, then he is not executed)).

@14.1.5 Excuses for delaying the prayer 14.1.5

No Muslim has an excuse to delay the prayer beyond its designated time except:

1. someone asleep, meaning those who were asleep before the prayer time began and remained asleep until after its time had ended;
2. someone who forgot it;
3. or someone who delayed it to combine two prayers during a journey (dis:14.15.12).

@*Chapter 14.2.0: PRAYER TIME AND MAKING UP FOR MISSED PRAYERS

@14.2.1 Prayer times

The obligatory prayers are five:

1. The time for the noon prayer (zuhr) begins after the sun's zenith for that day, and ends when an object's shadow, minus the length of its shadow at the time of the sun's zenith, equals the object's height.
2. The time for the mid-afternoon prayer ('asr) begins at the end of the noon prayer's time, and ends at sunset, though when an object's shadow minus the length of its shadow at the sun's zenith is twice as long as the object's height, the preferred time is over and the permissible time remains.
3. The time for the sunset prayer (maghrib) begins when the sun has completely set. It only lasts long enough to perform ablution (wudu), clothe one's nakedness, make the call to prayer (aThan) and call to commence (iqama) and to pray five moderate length rak'as (units) of prayer. It is a sin to delay commencing the sunset prayer beyond this, and if one does, one is making up a missed prayer (i.e., according to the position the author has adopted, which contradicts the more reliable opinion that one's prayer is not a makeup until after the red has disappeared from the sky), though if one begins it within the right time, one may continue until the red disappears from the sky.

4. The time for the nightfall prayer ('isha) begins when the red of sunset leaves the sky, and ends at true dawn. "True dawn" meaning, when the sky around the horizon begins to grow light. Before this, a dim light sometimes appears overhead for some minutes followed by darkness, and is termed the deceptive dawn (al-kaThib) (Al-Iqna' fi hall alfaz Abi Shuja' (y-7), 1.95).

But after a third of the night has passed, the preferred time for nightfall prayer has ended and the just the permissible remains.

5. The time for the dawn prayer (subh) begins at true dawn and ends at sunrise. Though the preferred time for it ends when it becomes light outside after which just the permissible remains.

Prayer times vary a little each day with the season and the year, and from one town to another through the effects of latitude and longitude. One can keep abreast of the changes by obtaining the whole year's times in a printed calendar from one's local Muslim association or mosque, or by using the pocket computer mentioned below at w-19, which discusses how one fasts and prays at northerly latitudes including much of North America and Europe during the summer months, lacking the features that legally define the true prayer and fasting times, such as nightfall or true dawn.

@14.2.2 The best prayer is performed during the beginning of its time
It is best to pray each prayer at the beginning of its designated time, after having made the purification, clothed one's nakedness and made the call for prayer (aThan) and the call to commence (iqama) the prayer.

@14.2.3 When part of a prayer occurs after the time
In the event that the worshipper started to pray at the very end of a designated obligatory prayer time and the first unit of prayer is being performed but one's head has not been raised from the second prostration of the unit and the designated time reaches expiration, then the first unit of prayer, together with the remaining units is considered to be that of a make-up prayer.

If one unit of prayer or more takes place within the prayer's time and the remainder is performed after it, then the prayer is considered a current performance, although it is unlawful to intentionally delay the prayer until part of it occurs after the time is finished.

@14.2.4 (was not translated)

@14.2.5 Knowing when the time for prayer has come
It is permissible to rely upon on a knowledgeable, dependable caller to prayer (muezzin) to know when the time for prayer has arrived.

However, when one cannot hear the call to prayer one may rely upon prayer time calendars issued by experts with knowledge of the locality.

@14.2.6 Making up missed prayers:

If the time for a designated prayer is about to expire and the worshiper has not yet prayed and during that time he/she loses his/her reason, or a menstrual period begins etc., that missed prayer must be made up for as soon as possible.

@14.2.7 Immediacy is obligatory if missed without excuse:

Whenever an obligatory prayer is missed for a valid reason (def:14.1.5) it is recommended to make it up immediately.

If missed without a valid reason, it is obligatory to make it up (dis: w-18) immediately.

In the Shafi'i school, it is impermissible for such a person to make up previous or current voluntary prayers before the obligatory prayers have been made up. The same applies to making up missed days of the obligatory fast and it is unlawful to delay doing so until the following Ramadan (dis:15.1.33).

@14.2.8 Order of making up missed prayers:

It is recommended that missed prayers be made up in the order they were missed.

The call to prayer (aThan) and call to commence (iqama) when making up for missed prayers are discussed in 14.3.5, and whether to recite prayers aloud or to oneself in 14.8.25.

@14.2.9 Making up the missed prayers before or after the current prayer:

It is recommended to make-up missed obligatory prayers before performing the current prayer, unless one fears its time will expire, in which case it is obligatory to pray the current prayer first.

If one begins making up a missed prayer thinking that there will be time for both it and the current prescribed prayer, but finds that there is only enough time left for the latter, then one must discontinue the make-up prayer in order to perform the current one.

@14.2.10 Making up for a prayer before praying with a group:

If a prayer has to be made up for and one finds the current prayer being performed by a group, it is recommended to perform the make-up prayer by oneself before praying the current one.

@14.2.11 Inability to remember which prayer was missed:

If one misses one or more of the five obligatory daily prayers, but does not remember which ones were missed, then one must pray all five, with the intent before each prayer to make up for the one that was missed.

@14.2.12 Prayers consistently missed by timing error:

@*Chapter 14.3.0: THE CALL TO PRAYER (ADHAN) AND THE CALL TO COMMENCE (IQAMA)

@14.3.1 The call to prayer (aThan) and call to commence (iqama) are two Prophetic practices for the obligatory prescribed prayers. It is Prophetic practice to make the calls not only when the prayer is to be performed in a mosque but also when one is alone to alert others that the prayer is about to commence.

@14.3.2 Call to prayer is superior to leading a group prayer:

The call to prayer (aThan) is better than being the imam for a group prayer. However, being the imam is superior to giving the call to commence (iqama) the prayer.

@14.3.3 Praying alone or after the group:

If a group in a mosque has already prayed, and one is preparing to pray the prayer alone, one's call to prayer is made softly and not in a raised voice. However, if no group has prayed one raises one's voice.

If there is a second group preparing to pray they do not make the call in a raised voice.

@14.3.4 Women's group prayer:

It is Prophetic practice for a group of women who are praying together to give the call to commence without giving the call to prayer.

@14.3.5 The call to prayer for make-up prayers:

When making up one or more missed prescribed prayers, the worshiper only gives the call to prayer for the first, but makes the call to commence for each one.

@14.3.6 Words of the call to prayer and the call to commence:

The words of the call to prayer and call to commence are well known.

The translation of the words for the call to prayer are:

"Allah is the Greatest, Allah is the Greatest,

Allah is the Greatest, Allah is the Greatest.

I bear witness that there is no god except Allah.

I bear witness that there is no god except Allah.

I bear witness that Muhammad is the Messenger of Allah.

I bear witness that Muhammad is the Messenger of Allah.

Come to the prayer. Come to the prayer.

Come to success. Come to success."

Before the dawn prayer the words:

"Prayer is better than sleep. Prayer is better than sleep." Are added followed by

"Allah is the Greatest. Allah is the Greatest.

There is no god except Allah."

The translation of the call to commence are:

"Allah is the Greatest, Allah is the Greatest.

I bear witness that there is no god except Allah.

I bear witness that Muhammad is the Messenger of Allah.

Come to the prayer. Come to success.

The prayer is commencing. The prayer is commencing.

Allah is the Greatest, Allah is the Greatest.

There is no god except Allah."

@14.3.7 Conditions for validity of the calls:

Each word in both calls must be recited in the order mentioned above.

If one remains silent for long or speaks at length between the words of either call, the call is not valid and must be remade. However, a short remark or silence while calling does not invalidate the call.

When making either call by oneself, the minimal audibility permissible is that one can hear oneself. The minimum when calling a group to prayer is that all their contents can be heard at least one other person.

@14.3.8 Prayer Times:

It is not valid to make the call to prayer before the time of the prayer has arrived, except for the dawn prayer, when it is permissible to make the call to prayer from the middle of the night onwards.

@14.3.9 Recommended features:

When making either call it is recommended to have ablution (wudu), stand, face the direction of prayer, and to turn the head but not the chest or feet to the right when saying, "Come to the prayer," and to the left when saying, "Come to success."

It is offensive to make the call to prayer while in a state of minor ritual impurity (hadath) and more offensive to do so in a state of major ritual impurity (janaba), and even greater to give the call to commence (iqama) while in either of these two states.

It is recommended:

1. to make the call to prayer from a high place near the mosque;
2. to put one's fingertips in one's ears while calling it;
3. to take one's time in making the call to prayer, that is, pausing for an interval after each sentence equal to the sentence's length except for repetitions of "Allah is the Greatest," which are said in pairs;
4. and to make the call to commence rapidly, without pause.

@14.3.10 The caller to prayer (Muezzin):

It is obligatory for the caller to prayer (muezzin) or the person making the call to commence:

- (a) to be Muslim;
- (b) to have reached the age of discrimination (def:14.1.2);
- (c) to be sane;
- (d) and if calling for a men's group prayer, to be male.

It is recommended that the caller be upright (def:9.24.4), have a pleasant voice, and if male to have a strong voice.

It is offensive for a blind person to make the call to prayer unless a sighted person is with him so that he can tell him when the prayer time has arrived.

@14.3.11 Replying to the words:

When one hears either call it is recommended to repeat each phrase after the muezzin, even if one is in a state of major ritual impurity (janaba), or menstruating or when reciting the Koran.

One does not repeat the phrases "Come to the prayer" or "Come to success," but says after them, "There is no power or strength except through Allah." And at the call to prayer at dawn, one does not repeat "Prayer is better than sleep," but instead says, "You have spoken the truth, and piously."

When the person giving the call to commence says, "The prayer is commencing," one replies, "May Allah establish it and make it endure as long as the heavens and earth, and make me one of the righteous of its people."

If one hears it while making love, going to the lavatory, or performing the prayer, one says the words when finished.

@14.3.12 After the call finishes:

After the caller to prayer (muezzin) has finished the call, it is recommended that he and those who hear him supplicate for blessings on the Prophet - may Allah venerate him and give him peace. In the Shafi'i school the muezzin makes the supplication in a lower tone than his call. Then one adds, "O Allah, Lord of this comprehensive invitation and enduring prayer, grant our master Muhammad a place near to You, an excellence and exalted degree, and bestow on him the praiseworthy station that You have promised him."

@*Chapter 14.4.0: PURITY OF BODY, CLOTHES AND PLACE OF PRAYER

@14.4.1 Purity is a condition of prayer:

It is a necessary condition (shart) for the validity of prayer that one is in a state of purity. Filth must be absent from (najasa, def:e-14.1):

- (a) body;
- (b) clothing, whether or not it moves with the person;

(c) anything that touches the body or clothing. However, if one's chest overhangs something impure while prostrating without touching it the validity is not annulled;
(d) the place on which one is stands during the prayer.

@14.4.2 Purity of place:

The prayer is invalid if one is holding the end of a rope connected with something impure.

If part of a rug has been contaminated with filth one can still use the pure portion of the rug to pray on. If the legs of a bed rest on something impure, the prayer performed on the bed is valid.

The rule illustrated by these examples is that it is not permissible for the person praying to support or carry something affected by filth, but is permissible for the worshiper to be supported by it, provided the worshiper is not in direct contact with the filth.

@14.4.3 Excusable and inexcusable amounts of filth other than blood:

Impure substances (najasa) other than blood (dis: below) that are indiscernible by vision are excusable. However, if they are visible they are inexcusable.

@14.4.4 Blood or pus:

Only a little (below) amount of blood or pus from another, human or otherwise is excusable. However, if the amount is much or little and if it came from a person who is praying it is excusable no matter whether it came from a squeezed pimple, boil, sore, being bled, cupped or something else.

@14.4.5 Meaning of little, much, etc. in legal rulings:

In the rulings of the Sacred Law, the application of key descriptive terms such as little, much, near, far, briefly, at length, and so forth, are governed by the concept of common acknowledgement ('urf). To know whether something is little or much, which could be stipulations in a particular ruling, we stop to reflect whether it is commonly acknowledged as such, namely, whether most people would describe it as such when speaking about it.

Common acknowledgement also takes into consideration what is normal or expected under the circumstances. For example, a few drops of animal blood on the clothes of a butcher would be "little", while the same amount on the clothes of student would be "much".

@14.4.7 Learning of an impurity after finishing the prayer:

If one prays with an inexcusable amount of something impure on one's person, place, or clothes that one was not aware of or forgot about, and notices it after finishing the prayer then the prayer must be repeated. It invalidates the prayer if noticed during it.

@14.4.8 Uncertainty about the existence of filth:

If there is mud on a garment and one is uncertain whether or not it contains any filth, then the mud is considered to be pure.

The rule being that the initial presumption for all things is that they are pure, as long as their impurity has not been decisively established.

@14.4.9 Inability to eliminate filth:

Someone who is unable to remove filth from his person or who is being held in an impure place must pray and make up the prayer later on when capable of purity.

When being held in an impure place, one bows the head as close to the ground as possible without actually contacting the filth, because it is unlawful to place the forehead upon the filth.

@14.4.10 Losing track of a spot of filth on a garment:

If one loses track of a spot of filth on a garment, then, all of it must be washed without trying to decide where the spot might be. However, if someone reliable knows where it is and informs one, one may accept this.

@14.4.11 If one is unsure which of two garments has a spot of impurity on it, then he/she may reason and choose the one he/she thinks is pure to pray in regardless whether or not there is another pure garment available, or whether he/she can wash one to use.

If the garment believed to have filth on it is washed, then one may pray wearing both garments, or pray in each garment alone. However, if no effort is made to decide which garment is impure, and the prayer is performed in each one separately, then neither prayer is valid.

@14.4.12 Losing track of filth on the floor:

If one loses track of the location of filth on a small plot of ground in open country, one may pray wherever one wishes.

But, if one loses track of the location of filth on the ground or in a room then all the ground or floor must be washed (def:e-14.12) before one may pray on any of it.

14.4.13 (was not translated)

@14.4.14 Places in which it is offensive to pray:

It is offensive to pray:

1. in a bathhouse or its outer room where clothes are removed;
2. in the middle of a path;
3. at a rubbish dump;

4. at a slaughterhouse;
5. in a church;
6. in places where taxes (dis: 10.32) are gathered or taken;
7. in places likely to be contaminated by wine;
8. on top of the Ka'ba;
9. or towards a tomb(dis:w-21).

@14.4.15 Prayer performed in a garment or on land wrongfully taken is legally valid (dis:8.5.2), but without reward.

@*Chapter 14.5.0: CLOTHING ONE'S NAKEDNESS

@14.5.1 Clothing one's nakedness:

The scholarly consensus (ijma, 7.7) on the subject of clothing one's nakedness is that it is obligatory even when alone to cover one's nakedness – Even for the sake of the jinn and angels who are able to see humans although we do not see them - except when there is a need to undress. The obligation of clothing one's nakedness when alone, is according to Zarkashi and Shafi school of jurisprudence at minimum that a man must clothe his front and rear private parts and that women cover that which is between the navel and knees.

@14.5.2 Clothing nakedness is a condition of prayer:

Clothing one's nakedness is a necessary condition for the validity of the prayer.

Seeing a hole in one's clothes after a prayer is like seeing a spot of filth.

@14.5.3 Meaning of "nakedness":

The nakedness of a man, including young boys, even if not yet of the age of discrimination consists of the area between the navel and knees.

The nakedness of a woman, including a young girl, consists of the whole body except the face and hands.

It is not permissible for a man to look at any part of a woman who is neither a member of one's unmarriageable kin (mahram, def:17.6.1) nor one's wife, as is discussed below in the book of marriage (17.2).

@14.5.4 Clothing:

It is a necessary condition that one's clothing:

- (a) prevents the color of the skin from being seen.
- (b) enclose the body as a garment. A prayer performed without clothes in a small tent would not be valid;
- (c) conceal the nakedness from view on all sides and above, though it need not do so from below.

@14.5.5 If there is a tear in the clothing through which nakedness shows but can be covered immediately before enough time passes to say "Subhan Allah" the prayer is valid.

@14.5.6 Recommended clothing for a woman's prayer:

It is recommended that a woman wear a second head covering (khimar) long enough to cover her bosom, a full-length shift, and a heavy slip under it that doesn't cling to the body. [in good color and beautiful fashions]

@14.5.7 Recommended clothing for a man's prayer:

It is recommended for a man to pray in his best clothes, and to wear an ankle-length shirt and a turban or a shawl over head and shoulders, a mantle, and a wraparound or loose drawers under the ankle-length shirt.

If he does not wear all of these, it is desirable to wear two, namely the ankle-length shirt with either the mantle, the wraparound, or the loose drawers.

@14.5.8 Prayer of men who lack adequate clothing:

The prayer is valid if a person has only enough clothing to cover his nakedness, however, it is recommended to place something on the shoulders even if it is just a piece of rope.

If a man does not have sufficient clothing but is able to conceal part of his nakedness, then he must cover the front and rear private parts. If only one of these two can be covered, it must be the front. If one has no clothes at all, then he performs the prayer without clothes and need not make it up later.

@14.5.9 (was not translated)

@*Chapter 14.6.0: FACING THE DIRECTION OF PRAYER (Qibla)

@14.6.1 A condition for the prayer's validity:

Facing the direction of prayer (qibla) is a necessary condition for the prayer's validity, with the sole exceptions of praying in extreme peril (dis:14.16.5) and non-obligatory prayers performed while travelling.

@14.6.2 That which is unnecessary for non-obligatory prayers on a journey:

The following rulings deal with non-obligatory prayers and not the five obligatory daily prayers, which must be performed facing the direction for prayer (qibla) regardless whether one is riding in a vehicle or not (dis:w-24).

A traveler may perform non-obligatory prayers riding or walking, even on short trips.

When riding, for example on board a ship, and one is able to face the direction of prayer, prostrate, and bow it is obligatory to pray in that direction. If one is unable

then the requirement, providing it is not difficult, is only to face the direction of prayer, during the first “Allahu Akbar” of the prayer. For example, when one's mount is stationary or when one can turn oneself or one's mount in the proper direction. If it is difficult, for example, when one's mount is not properly saddle broken, or if the reins are not in one's hands, as when riding in a pack train with each animal tied to the one ahead of it, then it is not obligatory to face the direction of prayer at any point of the prayer's performance, and one simply nods in the direction of travel instead of bowing and prostrating. One's nod for prostration must be lower than the nod for bowing. There is no obligation to bow to the limit of one's capacity, neither to bow one's forehead until it touches the mount's back, however it is permissible providing there is no hardship to oneself.

When praying while walking, one must stop to bow and prostrate on the ground. However, if one is walking through mud, water, or snow then one may simply nod, and walk during the rest of the prayer. It must be remembered that it is obligatory to face the direction of prayer during the first “Allahu Akbar” and at each bowing and prostration.

Prayers that are performed when riding or walking are only valid on condition:
(a) that one's journey continue for the prayer's duration;
(b) and that one does not turn from the direction of travel towards anything except the direction of prayer.

If one reaches home, or destination, or a town where one intends to stay while one is praying, then one must face the direction of prayer, and bow and prostrate on the ground or on one's mount if stopped.

@14.6.3 Praying at the Ka'ba:

When at the Ka'ba, one must pray directly towards the Ka'ba itself. One's prayer is invalid if one just faces the Hijr Ishmael, which is the semicircular wall that is to one side of it, or directs any part of the body outside the outline of the Ka'ba, unless one is standing at the end of a long row of people praying at the periphery of al Masjid al-Haram (the Mosque of the Ka'ba). This means a row which, if the people in it were to advance, some would be facing outside the Ka'ba's outline. To pray in such a row is valid for everyone in it.

@14.6.4 (was not translated)

@14.6.5 Relying on the prayer niche (Mihrab) of mosques:

To be certain of praying in the correct direction it is obligatory to rely on the prayer niche (mihrab) of a mosque that is often frequented.

It is also obligatory to unquestionably perform the prayer facing the direction the Prophet - may Allah venerate him and give him peace – faced in prayer. In other places one may use personal reasoning as to whether to turn right or left.

@14.6.6 Establishing the direction by personal reasoning:

If there is no one who has knowledge of the correct direction of Ka'ba, then the worshiper employs personal reasoning, using other evidence.

If one does not know how to use other evidence, and it is a Communal obligation (def:8.3.2) for someone to know, or one is blind, then one follows another reliable sighted person acquainted with the evidence.

@14.6.7 Mistakes discovered after finishing the prayer:

If, after praying one becomes certain one was mistaken and prayed in the wrong direction, then the prayer must be repeated.

In the Hanafi, Maliki, and Hanbali schools, the criterion for facing the direction of prayer is that some portion of the person's face be directed towards the Ka'ba (al-Fiqh 'ala al-maThahib al-arba'a (y-66), 1.195. This takes in 180 degrees, from far left to far right, such that when the Ka'ba is anywhere between, one is considered to be facing the direction of prayer.

@*Chapter 14.7.0: PLACING A BARRIER IN FRONT OF ONE'S PRAYER PLACE

@14.7.1 Recommended:

It is recommended to put a barrier at least 32 cm high in front of oneself when performing the prayer, or to spread out a mat, or if one cannot, to draw a line on the ground, straight, perpendicular to one's chest approximately 39 inches (a meter and a half) or less in front of one. It is then forbidden for anyone to pass between the person praying and such a barrier, even if there is no other way to pass (dis:10.75.27).

If someone tries to pass between oneself and the barrier, it is recommended to gently push him back, and one may push him back as hard as necessary, as one would an attacker (07.3). If the person accidentally dies as a result, one would not be subject to retaliation (03) or have to pay an indemnity (04) to his kin.

[If the praying person's chest ever loses Kaba's direction, his prayer is annulled at once]

@14.7.2 When there is no barrier:

If there is no barrier, or if the person praying is farther than 4ft 6 inches (meter and a half) from it, then passing in front of him is just offensive, and the person praying is not entitled to push him.

@14.7.3 Meaning of "passing in front of someone praying":

Passing in front of a person who is praying without a barrier, for example in a mosque, is limited to the length of his prostration, and it is not forbidden or offensive to pass in front of him when farther than that.

@14.7.4 Passage to fill in gaps in the line of prayer:

When one notices a gap in a row of people performing a group prayer, one is permitted to pass in front of others to fill the gap.

@*Chapter 14.8.0: DESCRIPTION OF THE PRAYER

@14.8.1 Special vocabulary:

Allahu Akbar: Allah is the Greatest.

Ameen: a one-word supplication meaning please answer.

As-Salamu 'alaykum: Peace be upon you.

Fatiha: the Opener, which is the first chapter (sura) of the Koran.

Follower: someone praying in a group behind an imam.

Integral (ruku): one of the legally essential elements found within an action which compose it.

Imam: someone leading a group prayer.

Rak'a: one complete unit of prayer that consists of its words and actions.

Sura: a chapter of the Koran.

Ta'awwuTh: to say in Arabic, "I seek refuge in Allah from the accursed satan."

@14.8.2 Measures recommended before prayer:

It is recommended:

1. to stand for the prayer after the end of the call to commence (iqama);
2. to be in the first row;
3. to make the rows straight, especially if one is the imam;
4. to fill up the first row first, then the second, and so on. This means that there should not be a second row when the first one is not full. If the first row is not full the second row is considered not to be praying with the group, and is rewarded as if one had prayed alone.

It is superior to stand on the imam's right although the prophetic way (Prophetic practice) is for the imam to be in the middle. If a worshiper arrives at a group prayer in which the row extends to the right, his/her reward is greater for standing on the left, since the worshiper is fulfilling the Prophetic practice.

@14.8.3 The intention:

The intention is made with one's heart.

If the intention is for an obligatory prayer, one must intend performing the prayer, and that it is obligatory, and know which prayer it is, such as the noon, mid-afternoon, or Friday congregational prayer. The intention must coincide with one's first pronouncement of "Allahu Akbar". It is obligatory that it exists in the mind and recommended to be uttered with the tongue before the first "Allahu Akbar" as well. One intends it from the first of the phrase "Allahu Akbar" to the last of it.

It is not obligatory to specify the number of rak'as or that it is for Allah, the Most High, or whether it is a current performance or a makeup prayer, though specifying these is recommended.

Some scholars hold the opinion that the intention to perform a particular prayer that exists in the mind before hand is sufficient. Such an intention could be expressed, for example, by walking to the mosque after hearing the call to the noon prayer (dis: w-25).

If the intention is for a non-obligatory prayer that has a particular time, one must intend which one it is, such as for 'Eid, the eclipse prayer, assuming the state of pilgrim sanctity (ihram), the Prophetic practice prayers before and after the noon prayer, and so forth.

If it is for a non-obligatory prayer that is wholly Voluntary, unconnected with a particular time, one may simply intend to perform the prayer.

@14.8.4 (was not translated)

@14.8.5 Things that invalidate the intention:

The prayer immediately becomes invalidated when one:

1. ceases the intention to pray;
2. to decide that one will cease the prayer;
3. not to know whether one has ceased to or not. (meaning one hesitates in one's heart, saying, "Shall I stop intending or continue?" The thought of how it would be if one were to hesitate during the prayer is of no consequence, but rather the occurrence of doubt that negates one's resolve and certainty);
4. to intend during the first unit of prayer (rak'a) to stop praying when one reaches the second unit;
5. or to decide to interrupt one's prayer if such and such a thing happens, regardless whether the event will definitely occur during the prayer or whether it may happen, such as, "I'll stop praying if Zayd comes in."

@14.8.6 Beginning a prayer before its time:

If one knowingly begins, for example, the obligatory noon prayer before its time has arrived then the prayer is not legally considered to have begun. However, if one does so unknowingly, it is validly begun, but counts as a non-obligatory prayer.

@14.8.7 The opening "Allahu Akbar":

The "Allahu Akbar" that begins the prayer can only be in Arabic and must be pronounced "Allah Akbar" or "Allahu Akbar."

One's prayer is not legally considered to have begun if one omits any of its letters, pauses between the two words, adds the letter "waw" between them, or says "Allahu Akbar" with a long "a" between the final "b" and "r".

If the worshiper is unable to pronounce it because of being a mute or similar, one must move the tongue and lips according to one's capacity.

14.8.8 (was not translated)

@14.8.9 Minimal audibility:

The minimal valid audibility for saying "Allahu Akbar," reciting the Koran, and all remembrance (Thikr), is that one can hear them oneself, given normal hearing and lack of extraneous noise. The imam pronounces the exaltation aloud (below) every time he says "Allahu Akbar" in the prayer.

@14.8.10 Meanings of praying aloud and to oneself:

Throughout these rulings, "aloud" (jahran) means that someone beside or behind the speaker could distinguish his words, whereas to "oneself" (sirran) means that the speaker can distinguish his own words, but others could not.

@14.8.11 Necessity to stand:

It is obligatory that the worshipper stand as he/she opens an obligatory prayer with "Allahu Akbar."

If a single letter of "Allahu Akbar" occurs when the worshiper is not standing, the obligatory prayer is not considered to have validly begun, and is considered to have begun as a Voluntary prayer, provided one is ignorant that it is unlawful, though not if one knows.

The latecomer to a group prayer should take careful note of this, and not bow or make other prayer movements until he has completed the opening "Allah Akbar" while standing.

@14.8.12 Raising hands in prayer:

It is recommended to raise the hands to shoulder level when one says "Allahu Akbar". This means that one's fingertips are even with the tops of the ears, the thumbs with the earlobes, and palms with one's shoulders. The fingers are slightly outspread.

If one intentionally or absentmindedly does not raise the hands at the first of saying "Allahu Akbar," one may do so during it, though not afterwards. The palms face the direction of prayer (qibla) and the hands are uncovered.

After the opening "Allahu Akbar", one places the hands between the chest and navel, grasping the left wrist with the right hand, and fixing one's gaze on the place where one's forehead will prostrate. The worshipper does not do this when reciting the witnessing of faith (Tashahhud, def; 14.8.45), during that time the worshipper only looks at the place of prostration until he/she says "except Allah," and then looks at the index finger.

It is offensive to close one's eyes while praying unless it is more conducive to awe and humility towards Allah.

@14.8.13 The opening supplication (istiftah):

Then one recites to oneself the opening supplication (Istiftah), which means: "I turn my face to Him who created the heavens and earth, a pure monotheist, in submission, and I am not among those who associate others with Him. My prayer, pilgrimage, life, and death are for Allah, Lord of the Worlds, who has no partner. I have been commanded to do so, and I am of those who submit."

With the exception of the funeral prayer, this supplication is recommended for all worshipers, male or female, child or traveler, alone or in a group, imam or follower, even if they are seated.

@14.8.14 Opening supplication is not returned to after the Ta'awwuTh:

If the worshiper intentionally or absentmindedly omits the opening supplication (Istiftah) and begins saying "I take refuge, etc." (Ta'awwuTh), the worshiper may not return to the opening supplication. (Because reading the Fatihah is obligatory and the rule of thumb not to abandon an obligatory item and go to voluntary item, for doing so will annul the prayer.)

@14.8.15 Latecomers to group prayer and how much of the Opener Chapter (Al Fatiha) a latecomer must recite:

When joining a group that has already begun to pray, and the imam is saying "Ameen" just after one has said the opening "Allahu Akbar", the worshiper says "Ameen" with him and then recites the opening supplication (Istiftah).

If the worshiper says the opening "Allahu Akbar" and the imam finishes the prayer with closing "Salams" (greetings of peace) before he/she has sat down with the group, then he/she recites the opening supplication (Istiftah). However, if the worshiper has already sat down when the imam finishes with the greetings of peace (Salams) and one rises to complete one's prayer, then one does not recite the opening supplication.

If the worshiper joins the group while the imam is standing, and knows it is possible to recite the opening supplication together with saying "I take refuge ...," (Ta'awwuTh) and Al Fatiha (chapter 1, The Opener) before the imam will finish his recital and bow, then the worshiper may recite the opening supplication. However, if there is a doubt that there is enough time, both the opening supplication and Ta'awwuTh are omitted, and the worshiper begins reciting Al Fatiha.

If the imam bows, before the worshiper finishes Al Fatiha, he/she bows with him, provided he/she has omitted the opening supplication and Ta'awwuTh, though if they were not omitted, then the worshiper must recite as much of Al Fatiha as

he/she recited of them, since if the worshiper bows before having recited that much, it invalidates one's prayer.

If one recites what we have just said it is enough of Al Fatiha to permit the worshiper to bow with the imam but one holds back from bowing with him without excuse, then if the imam straightens up from bowing before the worshiper has bowed, he/she has missed that rak'a (and must rise after the group has finished to perform it).

@14.8.16 Saying: "I seek refuge ... etc." (Ta'awwuTh)

After the opening supplication, it is recommended to recite the Ta'awwuTh, saying, "I seek refuge in Allah from the accursed satan."

The Ta'awwuTh is said in every unit of prayer (rak'a) and is especially recommended in the first, whether one is the imam, follower, or praying by oneself, and whether the prayer is obligatory, Voluntary, or a funeral prayer.

The Ta'awwuTh is said to oneself in both the audible and inaudible prayers.

@14.8.17 The chapter Al Fatiha (The Opener):

Then the worshiper recites Al Fatiha (def:w-1.16). The recitation of Al Fatiha is obligatory in each individual unit of each prayer (rak'a), and is obligatory on not only the imam, but the follower and when one prays alone.

The "Basmala" meaning, "In the Name of Allah, the Merciful, the Most Merciful" is one of the verses of Al Fatiha. In the other three schools it is recited to oneself even when the remaining verses are recited aloud (Sharah al-Prophetic practice (y-22), 3.54).

It is obligatory to recite the verses of Al Fatiha in order and without – permitted – interruption. It is considered to be interrupted if one deliberately pauses at length during it, or pauses briefly but thereby intends to cease reciting, or mixes it with some words of remembrance (Thikr) or Koran and must therefore, be recited again.

The worshiper's recital of Al Fatiha is not considered to be interrupted if he/she speaks words during it that are in the interests of the prayer, such as saying "Ameen" in response to the imam's Ameen, or reminding him of the right words when he errs, or prostrates with him as a Prophetic practice for his Koran recital (14.11.14).

Its recitation is not considered to be interrupted if the worshiper forgetfully falls silent during it or absentmindedly adds some words of remembrance (Thikr).

@14.8.18 Mistakes:

If one of the letters, including long vowels, in Al Fatiha is omitted, or the worshiper fails to double a letter that should be doubled, or substitutes a wrong letter for the correct one, then his/her's recitation of that word is invalid. However, a mistake made in a short vowel (haraka) does not invalidate its recitation as long as it does not alter the meaning. The prayer is not invalid unless the error changes the meaning and was done deliberately.

@14.8.19 Saying "Ameen":

Al Fatiha is concluded with the word "Ameen". In prayers that are said inaudibly ameen is also said inaudibly, but when the prayer is said audibly it is said audibly.

When following an imam, one says "Ameen" when he does, and then upon the second time it is said inaudibly when one finishes one's own recitation of Al Fatiha.

@14.8.20 Reciting a chapter (sura):

If one is the imam or praying by oneself, it is recommended in the first and second units of prayer (rak'as) after the recitation of Al Fatiha to recite a complete chapter (sura) even if it is short.

It is recommended to recite:

1. the chapters (suras) from al-Hujurat (Koran, Chapter 49) to al-Naba' (Koran, Chapter 78) for the Dawn (subh) and Noon (zuhr) prayers;
2. the chapters from al-Naba' (Koran, Chapter 78) to al-Duha (Koran Chapter 93) for the mid-afternoon ('as) and nightfall ('isha) prayers;
3. the chapters (suras) from al-Duha (Koran, Chapter 93) to the end (Koran, Chapter 114) for the sunset prayer (maghrib);
4. al-Sajda (Koran, Chapter 32) for the dawn prayer on Friday in the first unit of prayer (rak'a) in which the group prostrates at the appropriate point during its recital, as at 14.11.14, and al-Insan (Koran, Chapter 76) in the second unit of prayer (rak'a);
5. and al-Kafirun (Koran, Chapter 109) in the first unit of prayer (rak'a) and al-Ikhlās (Koran, Chapter 112) in the second for the Prophetic practice prayers that accompany the sunset and dawn prayers (def:14.10.2). They are also recited during the two units of prayer after circumambulating the Ka'ba (21.5), and for the guidance prayer (istikhara, 14.10.12).

@14.8.21 Recitation:

It is recommended to recite the Koran in a distinct, pleasant manner (tartil) and to reflect upon its lessons and meanings (dis:w-26).

@14.8.22 Recitation behind an imam:

When praying behind an imam it is offensive for a follower's recitation to be audible more than the imam.

It is offensive for a follower to recite a chapter (sura) when praying behind an imam whose recital is audible, though it is recommended for the follower to recite the sura during prayers that are not recited aloud, or those recited aloud but he cannot hearing because far away, or because of deafness, or he can hear the Imam but he cannot comprehend.

@14.8.23 Longer chapter (sura) in the first unit of prayer:

The worshiper recites a longer chapter (sura) in the first unit of prayer (rak'a) than in the second.

@14.8.24 Rising of the latecomer to complete his prayer alone:

When a latecomer to a group prayer missed the first two units of prayer (rak'as) he/she should continue with the prayer after the imam has said its concluding greetings of peace "Salams". It is recommended that the recitation of the chapters (suras) is said to his/herself.

@14.8.25 Reciting Al Fatiha (the Opener) and the chapter either aloud or to oneself:

The imam or person praying by him/herself, recites Al Fatiha and chapters (suras) aloud during:

- a. The Dawn prayer (subh)
- b. The Friday Congregational prayer (Jumu'a)
- c. The Eid prayers (14.19)
- d. The Drought prayer (14.21)
- e. The lunar eclipse prayer (14.20)
- f. The Prophetic practice group prayers during the nights of Ramadan (tarawih 14.10.5)
- g. The first two units of prayer (raka's) of the Sunset (maghrib) and Nightfall (isha) prayers.

In the other prayers, Al Fatiha and suras are recited to oneself.

When making up at night - that is from sunset to true dawn - a prayer that one missed during the day or night the worshiper recites aloud.

When making up in the daytime, which is from dawn to sunset, a prayer that one missed during the day or night, one recites to oneself. At dawn, however, from true dawn to sunrise, all make-up prayers are recited aloud.

@14.8.27 Standing:

Standing is an integral in all obligatory prayers for anyone who can stand, whether by his/herself or assisted by another, however, it is not an integral in nonobligatory prayers.

Standing requires that the spine be upright. The worshiper is not standing if he/she inclines forward so that the backbone is no longer straight, or bends so that one is closer to bowing (14.8.29) than to standing.

If a person's back is bowed with age or the like so that this normal posture resembles someone bowing, then he/she stands as he/she is, but must bend a little further for bowing if able.

When praying it is offensive for a man to stand on one foot, for both feet to be close together, however it is Prophetic practice for women, or for one foot to be ahead of the other.

To stand at length when reciting the Koran in prayer is better than to prostrate or bow at length whilst in prayer.

@14.8.28 Sitting is permissible for non-obligatory prayers:

It is permissible to pray nonobligatory prayers seated or any way one wishes even when able to stand, however, the merit is less than that of standing.

@14.8.29 Bowing:

Next the worshiper bows from the waist.

The minimum is to bow as far as an average size person needs too when he/she wants to put his/her hands on his/her knees. It is obligatory that one repose in this position minimally, meaning to remain motionless for a moment after having moved. It is also obligatory that one intend nothing by the motion but bowing.

@14.8.30 Desirable way:

The desirable is to raise one's hands and say "Allahu Akbar" so that one begins raising the hands as one starts saying it, and when the hands are at shoulder level, one bows.

Whenever the worshiper says "Allahu Akbar" during a movement from one prayer posture to another, it is recommended to prolong the words until he/she reaches the next posture.

Then the worshiper puts his/her hands on the knees, fingers apart, with back and neck extended, legs straight, and elbows out, although women keep them close.

Next the worshiper says, "My Lord, the Most Great is exalted above all limitation," at least three times. If praying alone, or the imam of a limited number of followers who do not mind the extra length, the worshiper may increase the number of times he/she says this to five, seven, nine, or eleven.

Having completed this stage it is recommended to say, "O Allah, to You I bow, in You I believe, to You I submit. My hearing, sight, mind, bones, nerves, and all that my feet bear up are humbled before You."

@14.8.31 Straightening up:

Next the worshiper lifts his/her head, the minimum of which is to return to standing as he/she was before bowing, and, then remain motionless for a moment.

It is obligatory to intend nothing by one's movement except straightening up.

@14.8.32 Desirable way:

The desirable way is to raise the hands by lifting them from the knees as one starts to straighten up, raising the hands to shoulder level, and the head together, saying, "Allah hears whosoever praises Him." This is said whether one is the imam, follower, or praying alone. Now that the worshiper is standing upright he/she says: "Our Lord, all praise is Yours, in the heavens and earth, and whatever else You will."

If following an imam or praying alone, one says this to oneself. However, if one is the imam, one says, "Allah hears whosoever praises Him" aloud, but the rest to oneself.

Those we have previously mentioned who wish to add to the words of bowing may add here, "O Owner of praise and glory, the truest thing a worshipper can say - and all of us are worshippers to You - is, 'None can withhold what You have bestowed, none can bestow what You have withheld, and no one of fortune benefits any fortune with You.'"

@14.8.33 Prostration:

Then the worshiper prostrates.

The conditions for its validity are:

- (a) that an uncovered portion of the forehead touch a part of the place of prostration.
- (b) that one remain motionless for a moment while prostrating
- (c) that the place of prostration bear the weight of the head;
- (d) One's rear has to be higher than one's head;
- (e) that one not prostrate on something joined to one's person that moves with one's motions, such as a sleeve or turban;
- (f) that nothing but the prostration is intended by one's motion;
- (g) and that part of each knee, the bottom of the toes of each foot, and the fingers of each hand are placed on the ground.

In our school, it is not obligatory that the nose touch the ground in prostration, though it is desirable.

@14.8.34 Inability to prostrate on account of such things as a bandaged forehead:

If one cannot fully prostrate so that one's forehead touches the ground, for example in the case of a pregnant woman, then it is unnecessary to stack up pillows on the place of prostration to touch the forehead on them. One is permitted to bow as low as one can.

If one's forehead is bandaged on account of an injury that affects all of it, and the removal of the bandage would cause hardship, or, that the injury is severe enough to permit dry ablution (tayammum) (e-12.9), then one may prostrate upon the bandage and need not make up the prayer.

@14.8.35 The desirable way to prostrate:

The desirable way to prostrate is to say "Allahu Akbar" and:

1. to put the knees down first, then the hands, and then the forehead and nose. The order is called for, and any other order is offensive;
2. to prostrate with the hands directly under one's shoulders, fingers together, extended towards the direction of prayer (qibla), hands uncovered;
3. for men to keep 1 span (about 23 cm) between the two knees and two feet, however a woman's are kept together;
4. for men to keep the stomach apart from the thighs, though women keep them together;
5. and to say three times, "Exalted is my Lord, the Most High."

If the worshiper wishes to add to the previously mentioned words of bowing the number may be increased in odd numbers up to eleven, and add "O Allah, I prostrate myself to You, believe in You, and surrender to You. My face prostrates to He who created it and gave it form, who opened its hearing and vision by His power and strength. Blessed is Allah, the Best Creator."

It is fine to further supplicate for himself.

@14.8.36 Sitting between prostrations:

Then one raises the head and sits back before prostrating a second time. It is obligatory to sit motionlessly for at least a moment and to intend nothing but sitting by one's movement.

@14.8.37 Desirable way (iftirash) and what is said therein:

The desirable way is:

1. to say "Allahu Akbar" as one raises the head;
2. to sit in "iftirash", which is to place the left foot on its side and sit upon it while keeping the right foot resting on the bottom of its toes, heel up;
3. to place each hand on the corresponding thigh near the knees, fingers extended and held together;

4. and to say, "O Allah forgive me, have mercy on me, pardon me, set me right, guide me, and sustain me."

@14.8.38 Other styles of sitting:

There are two other ways of sitting back (iq'a') between the two prostrations, or at the first and second bearing witness of faith (Tashahhud, def:14.8.45).

One way is to sit back on the heels with the bottom of the toes and knees upon the ground. This is recommended between the two prostrations, though "iftirash" (14.8.37) is better.

The other way is to simply sit on the ground, palms down, and knees, drawn up, however, this is offensive in any prayer.

@14.8.39 Completion of the first unit of prayer:

Then one repeats the prostration in the same way.

@14.8.40 Sitting up after the second prostration before rising:

After this one raises the head, saying "Allah Akbar" as one first raises it, drawing out the words until one is standing upright.

It is Prophetic practice, here and in each unit of prayer (rak'a) that is not followed by the witnessing of faith (Tashahhud), to briefly rest in the "iftirash" style of sitting (14.8.37) before rising. Then the worshiper quickly raises, helping his/herself up with both hands, palms facing down, and prolonging the Allah Akbar until standing. If the imam omits this brief sitting, the follower performs it anyway. It is not done after a Koran recital prostration (14.11.13).

@14.8.41 The second unit of prayer (Rak'a):

Then the worshiper performs the second unit of prayer (rak'a) of the prayer just like the first, except for the initial intention, the opening Allahu Akbar, and the opening supplication (Istiftah).

@14.8.42 Witnessing of faith after the first two units of prayer:

If one's prayer exceeds one unit (rak'a) one sits in iftirash (def:14.8.37) after the first two rak'as and recites the witnessing of faith (Tashahhud, 14.8.45) and the blessings on the Prophet - may Allah venerate him and give him peace - though not upon his family which is only done in the final witnessing of faith at the end of the prayer.

Then the worshiper rises, saying "Allah Akbar" and leaning on his/her hands as previously described. When standing, the worshiper lifts the hands to shoulder level - however he/she does not raise them after rising from the first or third rak'a - and then goes on to perform the remainder of the prayer as he/she did in the second unit of prayer (rak'a), except that one recites Al Fatiha to oneself and does not recite a chapter (sura) after it.

@14.8.43 Witnessing of faith (Tashahhud):

The worshiper sits back at the last of the prayer for the bearing witness of faith in the “tawarruk” style of sitting, with one's left buttock on the ground and left foot on its side, emerging from under right foot, which is vertical.

The wisdom in the difference between the ways of sitting during the two witnessing of faith, namely, “iftirash” (14.8.37) in the first, and “tawarruk” in the second, is that a latecomer to group prayer may know by observing the former that the prayer has not finished and by the latter that it is nearing completion.

Imam Malik holds the Prophetic practice in both witnessings to be the tawarruk style of sitting; while Abu Hanifa holds that the iftirash style is Prophetic practice for both. May Allah have mercy on them all for explaining the command of Allah without the slightest loss.

However, the worshiper sits in the final witnessing of faith (Tashhud) and in the foregoing witnessing of faith, as well as between the two prostrations. It is permissible, however, “iftirash” and “tawarruk” and are Prophetic practice.

A late comer to a group prayer sits in “iftirash” position at the end of his imam's prayer and sits in “tawarruk” position at the end of his own.

Similarly, the person who must perform a forgetfulness prostration (14.11) sits in “iftirash” position for his last witnessing of faith, prostrates for forgetfulness, and then sits in the “tawarruk” position for his greetings of peace (Salams).

@14.8.44 Moving the finger is offensive: Raise your index finger once while saying “except Allah”

In the two witnessing of faith, one's left hand rests on the left thigh near the knee, its fingers extended and held together. The right hand is similarly placed, but is held closed with its thumb touching the side of the index finger, which alone is left extended. The worshiper lifts the index finger and points with it when he/she says the words “except Allah”. The worshiper does not move it while it is raised, this ruling is based on the Prophetic practice from a prophetic quotation (Hadith) related by Abu Dawud. It is offensive to move it here, though some scholars hold that it is recommended, the evidence for which is also from the Prophetic practice, in a prophetic quotation (Ahadith) related by Bayhaqi, who states that both prophetic quotations (Ahadith) are rigorously authenticated (sahih). However, precedence is given to the former prophetic quotation, which negates moving the finger over the latter prophetic quotation, because scholars hold that what is sought in prayer is lack of motion, and moving it diminishes one's humility.

The Prophet's moving of the index finger, may Allah venerate him and give him peace - was to teach people that moving it is permissible as it was the Prophet's duty – may Allah praise and venerate him - to distinguish acts that were offensive from those that were unlawful. Moreover, Bayhaqi says that the meaning of 'moving it' in the latter prophetic quotation (Ahadith) is simply 'raising it', so there is no actual contradiction.

@14.8.45 Minimal witnessing of faith therein:

The minimal bearing witness of faith (Tashahhud) is to say, "Greetings to Allah. Peace be upon you, O Prophet, and the mercy of Allah and His blessings. Peace be upon us and upon the righteous worshippers of Allah. I bear witness there is no god except Allah, and that Muhammad is the Messenger of Allah."

The desirable is to say, "Greetings, blessings, and the best of prayers to Allah. Peace be upon you O Prophet, and the mercy of Allah and His blessings. Peace be upon us and upon the righteous worshippers of Allah. I bear witness that there is no god except Allah, and that Muhammad is the Messenger of Allah."

Its words are obligatory and their order is a condition. If one cannot say it, one must learn. If one cannot learn it in Arabic then one can say it in one's own language.

One then says the blessings on the Prophet - may Allah venerate him and give him peace – as it is an integral after the final witnessing of faith, but only Prophetic practice after the first one, as at 14.9.15 below.

The minimum is to say, "O Allah, bless Muhammad."

The desirable way is to say, "O Allah, bless – our master - Muhammad and the family of – our master - Muhammad as You blessed – our master - Ibrahim and the family of – our master - Ibrahim. O Allah, show grace to – our master - Muhammad and the family of – our master - Muhammad as You did to – our master - Ibrahim and the family of – our master - Ibrahim in the worlds, for You are truly the Most Praiseworthy and Noble."

It is desirable to add before each mentioning of the names Muhammad and Ibrahim the word sayyidina, meaning "our master". The false quotation "Do not all of you make me a master in the prayer" is a forgery and contains corrupt Arabic. [Imam Shafi himself used to say, 'our master']

@14.8.46 Supplication at the end of the prayer:

It is recommended after the second witnessing of faith (Tashahhud) of the prayer, though not after the first, to supplicate Allah for any permissible thing one wishes concerning one's religion or this world.

One of the best supplications is "O Allah, forgive me what I have done and what I may do, what I have hidden and what I have made known, my excesses and that which You know better than I. You are the Advancer and Delayer. There is no god except You."

If one is the imam it is recommended that such supplications be briefer than the witnessing of faith with its blessings on the Prophet - may Allah venerate him and give him peace. However, if one is alone, one may supplicate as long as one wishes, if not afraid of forgetting that one is still in the prayer.

@14.8.47 Closing the prayer with the greetings of peace "Salams":

Then the worshiper says the final greeting of peace "Salams". The minimum is to say "as-Salamu `alaykum" (peace be upon you), and must be said while sitting. It is inadequate to omit the word "as" and just say "Salam `alaykum" since this is not found in any prophetic quotation (Ahadith) text, and, if done intentionally, invalidates the prayer.

The desirable way is to say, "Peace be upon you, and the mercy of Allah" and to turn the head to the right enough to show the right cheek. The worshiper thereby intends to finish the prayer and intends greetings of peace to the angels and Muslims both whether human and jinn (deff:w-22) on the right. Following this, the worshiper turns the head to the left and repeats the Salams, intending to greet to those on the left. A follower intends one of the two Salams as a response to the imam's, depending on which side the imam is on, or if the follower is directly behind him, he/she may intend either Salam as a response to him.

@14.8.48 Latecomer finishes his prayer after the Imam's statement of peace:

When the worshiper is a latecomer to a group prayer, it is recommended not to stand up to finish the missed units of prayer (rak`as) until the imam has said both greetings of peace (Salams). It is permissible to stand after he has said just one, but if the worshiper stands before he has said the first Salam it invalidates his/her prayer, unless he/she purposely intended to cease participation in the group prayer before doing so.

A latecomer, if making his/her first witnessing of faith while the group is making their last one, may sit at length for Thikr or supplications after the imam's greetings of peace (Salams) before he/she stands up to finish his/her own units of prayer (rak`as), though it is offensive. If the worshiper intentionally does this when not at the point of his/her first witnessing of faith, it invalidates his/her prayer.

@14.8.49 Delaying one's statement of peace long after the imam has finished:

Someone who is not a latecomer to a group prayer may sit as long as he/she wishes after the imam's Salams to supplicate, finishing with his/her own Salams whenever he/she wants. This is because the imam's leadership ends with the imam's first Salam, so there is no harm in the follower taking his/her time, as

he/she is now praying alone, and someone praying alone may do so as long as he/she likes.

@14.8.50 Post-prayer remembrance (Thikr):

It is recommended to invoke Allah, the Most High (Thikr) in silence and to supplicate after the prayer.

Imam Shafi'i says in his reference al-Umm, "I prefer that the imam and follower invoke Allah (Thikr) after the Salams, and do so silently, unless the imam wants to teach, in which case he says the remembrance aloud until he believes that the remembrance has been learned, after which he says them to himself."

The following remembrance are listed in the commentary and have been written in full and vowelled by the translator in the facing column of Arabic. Their order is Prophetic practice, as the commentator notes below.

1. Ayat al-Kursi (Koran 2.255) (said once);
 2. al-Ikhlās (Koran 112) (once);
 3. al-Falaq (Koran 113) (once);
 4. al-Nas (Koran 114) (once);
 5. "I ask Allah's forgiveness"(three times);
 6. "O Allah, You are peace, from You is peace, You are exalted through Yourself above all else, O You of Majesty and Beneficence";
 7. "O Allah, none can withhold what You bestow, none can bestow what You withhold, and the fortune of the fortunate avails nothing against You";
 8. "Exalted is Allah"(thirty-three times);
 9. "Praise be to Allah" (thirty-three times);
 10. "Allah is the Greatest" (thirty-three times or thirty-four times);
- (8), (9), and (10) above are also recommended before going to sleep at night, in which case "Allah is the Greatest" is said thirty-four times)
11. and "There is no god except Allah, alone, without partner. His is the kingdom, His the praise, and He has power over all things."
- It is recommended to begin the supplication with the Koran when called for, like Ayat al-Kursi and so forth, then, (5) through (10) above.

One should invoke the blessings on the Prophet - may Allah venerate him and give him peace - at the beginning, middle and end of one's supplications

@14.8.51 Imam turns to the right:

The imam turns for the post-prayer remembrance and supplications so that his right side is towards the group and his left side towards the direction of prayer (qibla). If no women are present the imam leaves his place as soon as he finishes, however, if women are present he waits for them to leave first.

It is recommended that the followers remain seated until the imam stands.

@14.8.52 Non-obligatory Prophetic practice prayers are superior when said at home:

It is recommended for those who perform nonobligatory prayers after the prescribed prayer to delay their performance until one has spoken. It is better to pray them elsewhere, and best to perform them in one's home.

However, it is better to perform certain nonobligatory prayers in the mosque, such as those before the Friday congregational prayer, those after circumambulating the Ka'ba, and those before entering the state of pilgrim sanctity (ihram) if there is a mosque at the site. Other nonobligatory prayers that are better in the mosque include.

1. the midmorning nonobligatory prayer (duha, def:14.10.6);
2. the guidance prayer (istikhara, 14.10.12);
3. the two units of prayer (rak'as) that are Prophetic practice before departing on a journey and when arriving from one;
4. prayers performed during a period of spiritual retreat in a mosque (i'tikaf,15.3);
5. confirmed Prophetic practice prayers (Prophetic practice mu'akkada, 14.10.2) that one is afraid of missing if one does not pray them in the mosque;
6. and the Prophetic practice units of prayer (rak'as) before the sunset prayer.

@14.8.53 Standing in supplications in the Dawn prayer (Qunut):

While performing the dawn prayer (subh) it is Prophetic practice to lift one's hands supplicate after straightening up from bowing in the second unit of prayer (rak'a) and say:

"O Allah, guide me among those You guide, give me health among those you give health, and pardon among those You pardon, look after me among those You look after, Bless for me what You have given me, and protect me from the evil of what You have ordained; for You decree and none decrees against You, and none is debased whom You befriend. Bless are You our Lord, and exalted, all praise is Yours for what You decree. I ask Your forgiveness and turn to You in repentance."

It is commendable to add "and none is exalted whom You are at enmity with" then after the above words add "and none is debased whom You befriend".

If one is imam, one pluralizes the singular pronominal suffix so that, for example, ihadina "guide us" and so forth (dis:w-1.27).

The words of this supplication are not set and may be accomplished by pronouncing any supplication, praise, or Koranic verse containing a supplication, such as the last verses of al-Baqara (Koran 2.285-86), though the above words are recommended. After this, the worshiper invokes the blessings on the Prophet - may Allah venerate him and give him peace.

Throughout the supplication it is recommended to raise one's hands with palms facing upwards when asking the good, palms down when asking Allah to avert

affliction. One does not stroke the face or chest with one's hands after the supplication as opposed to other supplications, for which it is recommended to wipe the face with the hands, as it is mentioned in Prophetic quotations (Ahadiths).

The imam says the supplications aloud. The follower says "Ameen" after each supplication that is audible to him and participates in the praises and so forth by responding with similar expressions. If the imam is inaudible or one is praying by oneself, the supplication is made by oneself.

When disasters such as drought or an epidemic befall Muslims, they similarly supplicate in every prescribed prayer after having straightened up from bowing in the last unit of prayer (rak'a)

@*Chapter 14.9.0: WHAT EITHER INVALIDATES OR IS OFFENSIVE, OR OBLIGATORY IN PRAYER

@14.9.1 Irrelevant Speech:

The prayer is invalidated, if one has no excuse (below), by uttering two or more letters or when two or more letters worth of sounds such as laughter, crying, groaning, clearing the throat, blowing, sighing, or similar are audible.

It is also invalidated by a lot of sound, for example, more than six words worth of sound, even when there is a valid excuse such as blurting out words unthinkingly, laughter or coughing overcoming one, absentmindedly speaking, or when one speaks because, as a new Muslim one does not know it is unlawful during the prayer; though with such an excuse a slight amount of speech does not invalidate the prayer.

One's prayer is invalid if one speaks knowing that it is unlawful but ignorant of the fact that it invalidates the prayer, and is also invalid if one says "Ah" during it out of fear of Hell.

When it is impossible to recite Al Fatiha (the first chapter "The Opener") to oneself, or the final witnessing of faith, or greetings of peace (Salams) except by clearing one's throat, one may do so even when it approximates two letters, though if it is impossible to recite aloud, then one may not clear one's throat, but must instead recite to oneself.

Some things, which are not commonly known to invalidate the prayer, such as clearing the throat, do not invalidate the prayer of ordinary people, whose ignorance of them is excusable, though a scholar has no such excuse.

@14.9.2 Speaking up to warn someone:

If one notices during the prayer, a blind person about to fall into a well, or the like, then one must speak up to alert him if there is no nonverbal means to warn him.

@14.9.3 The remembrance (Thikr) is permissible unless comprising direct address:

No form of remembrance of Allah (Thikr) invalidates the prayer unless it is a direct address such as "May Allah have mercy on you" or "And upon you be peace", though it does not invalidate the prayer if it refers to someone not present, such as "May Allah have mercy on Zayd", nor is it invalidated by addressing Allah or the Prophet - may Allah venerate him and give him peace.

@14.9.4 What to do in prayer to inform others:

When something happens to one during the prayer, such as someone asking permission to enter, or having to remind the imam that he has forgotten something, if one is male, one says "Subhan Allah" intending thereby only remembrance (Thikr), as one may not intend to inform, nor lack any particular intention thereby, because these would invalidate the prayer. If one is a female, one claps the right palm on the back of the left hand, not palm to palm.

If one recites a Koranic expression such as "O John, hold fast to the Book" (Koran 19.12), intending only to inform without intending recitation, or not intending anything in particular, this invalidates the prayer, though not if the intention is Koran recital or recital and informing together.

@14.9.5 Substance reaching the body cavity:

The prayer is invalidated when any, (even if a little) substance other than saliva reaches the body cavity intentionally.

It also invalidates the prayer if it occurs absentmindedly or in ignorance of its prohibition, provided the amount of the substance is commonly acknowledge to be much (def:14.4.5), though not if it is little.

@14.9.6 Irrelevant motion:

Intentionally adding an extra integral part of prayers will invalidate it 14.9.6
Adding surplus action that is an integral, such as bowing, invalidates the prayer if done intentionally, but does not invalidate it if done because one has forgotten that one has already performed it.

The prayer is not invalidated by intentionally or absentmindedly adding a surplus spoken integral such as repeating one's recital of Al Fatiha or the witnessing of faith, or reciting them in the wrong place.

@14.9.7 Excessive non-prayer motion invalidates prayer:

The prayer is invalidated by adding, even if absentmindedly, a motion that is not one of the actions of prayer, provided it is both considered by common acknowledgement (def:14.4.5) to be much and uninterruptedly consecutive, such as three steps, or successively moving three separate body parts like the head

and two hands, though an up-and-down motion is considered just one, or three or more consecutive motions.

The prayer is not invalidated by action that is not much, such as two steps, or is much but is separated so that the subsequent motion is considered to be unconnected with the preceding one. But if a slight action is grossly improper, such as jumping, it invalidates the prayer.

@14.9.8 Slight motions do not invalidate prayer:

Slight actions such as scratching oneself, or turning prayer beads (subha, dis: w-27) do not affect the validity of the prayer, nor does remaining silent at length.

@14.9.9 Things offensive in prayer:

It is offensive to perform the prayer while one restrains oneself from urinating or defecating when there is enough time remaining to perform the prayer. The Prophetic practice is to relieve oneself first, even when one fears missing praying with a group, since it diminishes one's awe and humility in prayer.

@14.9.10 Praying in the presence of desired food or drink:

It is offensive to pray in the presence of food or drink one would like to have, unless one fears that prayer's time will end.

It is offensive during the prayer:

1. to interlace the fingers;
2. to turn the head when there is no need. As for turning the chest from the directions of prayer (qibla), it invalidates the prayer except when there is an excuse such as in extreme peril, or when performing a nonobligatory prayer during a journey;
3. to look to the sky;
4. to look at something distracting;
5. to gather one's clothes or hair with the hand, tuck one's hair under a turban, or wipe the dust from one's forehead;
6. to yawn, however, if it overcomes one, one should cover mouth with the hand;
7. to exaggerate in lowering one's head while bowing;
8. or to put one's hands on the hips.

@14.9.11 Spitting:

It is offensive during the prayer to spit to the front of one or to the right. Rather, one should expectorate to the left, in the left, in the hem of one's garment, or under the foot.

It is unlawful to spit in a mosque except into the left hem of one's garment or a handkerchief. The slight motion necessary to take out one's handkerchief and return it does not harm, as they are negligible.

@14.9.12 Things obligatory in prayer:

The prayer has conditions (14.9.13), integrals (14.9.14), main Prophetic practices (14.9.15), and ordinary Prophetic practices.

@14.9.13 Conditions of prayer:

The prayer's conditions are eight:

- (a) purification from minor (hadath) and major (janaba) ritual impurity through ablution (wudu, def: e-5) and the purifying bath (ghusl, e-11) respectively, as well as from menstruation and postnatal bleeding by bathing after them;
- (b) that one is free of filth (najasa, e-14) in body, clothes, and place of prayer (14.4)
- (c) that one's nakedness is clothed (14.5);
- (d) the one faces the direction of prayer (qibla, 14.6);
- (e) that one avoids the actions prohibited in prayer, i.e. irrelevant speech, eating, and excessive motion (14.9.1-7);
- (f) knowing or believing that the prayer's time has come (14.2);
- (g) knowing that the prayer is obligatory;
- (h) and knowing how it is performed.

Whenever one violates any of these conditions, one's prayer is invalidated, such as:

1. when a state of ritual impurity occurs during the prayer, even if it happens accidentally;
2. when some filth containing moisture comes across a garment during the prayer, but one does not immediately shed the garment; or when some dry filth comes across it, but one redirects it with the hand or sleeve (dis: 14.4.2); [doing so he momentarily becomes a filth carrier]
3. when the wind discloses a part of one nakedness and its cover gets beyond reach;
4. or when one believes that some elements of the prayer are obligatory and some are recommended, but does not know which are obligatory.

One's prayer is not invalidated if one thinks that all the prayer's parts are obligatory, or (2) above if one immediately sheds the garment affected by moist filth, brushes off dry filth, or, (3) above immediately re-covers one's nakedness.

@14.9.14 The integrals of prayer:

The prayer's integrals (ruku, pl, arkan) are seventeen:

- (a) the intention (14.8.3);
- (b) the opening Allahu Akbar (14.8.7);
- (c) standing (14.8.27);
- (d) Al Fatiha (14.8.17);
- (e) bowing (14.8.29);
- (f) remaining motionless a moment therein;
- (g) straightening back up after bowing (14.8.31);
- (h) remaining motionless a moment therein;
- (i) prostration (14.8.33);

- (j) remaining motionless a moment therein;
- (k) sitting back (14.8.36) between the two prostrations;
- (l) remaining motionless a moment therein;
- (m) the prayer's final witnessing of faith (Tashahhud) (14.8.45);
- (n) sitting therein (14.8.43);
- (o) the blessings on the Prophet - may Allah venerate him and give him peace - after the prayer's final witnessing of faith (14.8.45);
- (p) saying "as-Salamu 'alaykum" the first of the two times it is said at the end of the prayer (14.8.47);
- (q) and the proper sequence of the above integrals.

@14.9.15 The main Prophetic practices of prayer:

The prayer's main Prophetic practices, meaning those which if omitted, call for a forgetfulness prostration (def:14.11)) are six:

- (a) the prayer's first witnessing of faith (Tashahhud) in prayers that have two witnessings;
- (b) sitting during it;
- (c) the blessings on the Prophet - may Allah venerate him and give him peace - after it (14.8.45);
- (d) the blessings on his family in the prayer's final witnessing of faith (Tashahhud);
- (e) the supplication (14.8.53) after bowing in the final unit of prayer (rak'a) of the dawn prayer (subh);
- (f) and standing therein.

@14.9.16 Other Prophetic practices:

All other parts of the prayer are ordinary Prophetic practices and missing one is not compensated by a forgetfulness prostration.

@*Chapter 14.10.0: VOLUNTARY PRAYER

@14.10.1 Prayer is the best of the body's spiritual works. Prayer refers to the obligatory prescribed prayer, and body excluding worship connected with the heart, such as faith in Allah, which is better than the works of the body.

Voluntary prayers are the best of voluntary spiritual works although scholarly work in Islamic religious knowledge, meaning beyond what is obligatory to ensure the validity of one's worship, is superior to nonobligatory prayer because it fulfills a Communal obligation (fard alkifaya, def: 8.3.2).

Voluntary prayers that the Sacred Law stipulates are prayed in groups, such as the prayer on the two 'Eids (14.19), the prayer at solar and lunar eclipses, and the drought prayer, are better than those it does not stipulate be prayed in groups, namely, all others besides these. But the Prophetic practice units of prayer (rak'as) before and after the prescribed prayers, whether confirmed Prophetic practice mu'akkada def: below or otherwise, are superior to the group prayer that is Prophetic practice on the nights of Ramadan (tarawih).

@14.10.2 Prophetic way (Prophetic practice) units of prayers before and after prescribed prayers:

It is Prophetic practice to diligently perform the nonobligatory prayers that are offered before and after the prescribed ones.

The desirable number of these is:

1. two units of prayer (rak'as) before the dawn prayer (subh),
2. four before and after the noon prayer (zuhr),
3. four before the mid-afternoon prayer ('asr),
4. two after the sunset prayer (maghrib),
5. two after the nightfall prayer ('isha).

The confirmed Prophetic practices (dis: 8.4.1) of these confirmed (mu'akkada), meaning those which the Prophet - may Allah venerate him and give him peace - did not omit regardless whether he was travelling or at home consist of ten units of prayer (rak'as):

1. two before the dawn prayer (subh);
2. two before and after the noon prayer (zuhr);
3. two after the sunset prayer (maghrib);
4. and two after the nightfall prayer ('isha).

It is recommended to pray two units of prayer (rak'as) before the sunset prayer.

The Prophetic practices of the Friday congregational prayer (Jumu'a) are the same as those of the noon prayer (zuhr) (dis:w-28.1).

The time for the nonobligatory rak'as that come before the obligatory prescribed prayers is that of the obligatory prayer. It is good manners (adab) to pray such a Prophetic practice before the prescribed prayer, though if prayed after it, it is still a current performance, not a makeup, and one must intend it, for example, as the Prophetic practice before noon prayer (zuhr).

The time for nonobligatory rak'as that come after the prescribed prayer begins when one has performed the prescribed prayer and ends with the end of the prayer's time.

@14.10.3 Witr prayer (the final prayer at night): "Witr" meaning odd number
The minimal performance for the Witr prayer is one rak'a. even if there was no voluntaray after-night-prayer practiced

The desirable way is to perform eleven units of prayer (rak'as) and, if one performs more than three one should finish with greetings of peace (Salams) (14.8.47) after every pair.

The least considered desirable is three rak'as by finishing two rak'as with greetings of peace (Salams) and then performing the final rak'a. One recites Al-A'la (Koran 87) in the first unit of prayer (rak'a) Al-Kafirun (Koran 109) in the second, and Al-Ikhlās, Al-Falaq, and Al-Nas (Koran 112, 113, and 114) in the third.

It is permissible to successively join all rak'as of any Witr prayer that has from three to eleven rak'as by finishing them once with Salams.

When the worshipers Witr prayer is only a single rak'a one intends its performance as such. In multiple prayers that total an odd number that does not exceed eleven. One performs them in two's until the final unit of prayer.

When joining the rak'as of the Witr prayer one may limit oneself to a single witnessing of faith (Tashahud) in the final rak'a, or may recite two witnessings, one in the last rak'a and one in the next to last.

More than two witnessings in a joined Witr prayer invalidates the whole prayer.

@14.10.4 Time of the Witr prayer:

The best time for the Witr prayer is just after the Prophetic practice rak'as that follow the nightfall prayer ('isha), unless one intends to offer the night vigil prayer (tahajjud) which is rising at night after having slept, to pray some nonobligatory rak'as. If one prays the night vigil prayer it is better to pray the Witr prayer after it.

When one has already performed the Witr prayer, but decides to pray the night vigil prayer (tahajjud), one performs the latter's rak'as two by two, and there is no need to repeat the Witr prayer, or make it an even number by performing one rak'a before the night vigil prayer. However, it is recommended not to intend performing prayer between Witr and dawn.

@14.10.5 Tarawih prayer:

It is recommended to perform the "tarawih" prayer, which is twenty rak'as of group prayer on each night of Ramadan. It is also Prophetic practice to pray the tarawih prayer in one's home. One finishes each pair of rak'as with greetings of peace (Salams).

It is recommended to pray the Witr prayer in a group after the tarawih prayer, unless one intends the night vigil prayer (tahajjud), in which case one should postpone Witr until after it.

During the second half of Ramadan, in the last rak'a of Witr, it is recommended to supplicate as one does in the dawn prayer (14.8.53), adding the words, "O Allah, we ask Your help, Your forgiveness, and Your guidance. In You we believe, on You we rely, You we praise with every good, we are grateful to You and not ungrateful, and disown and abandon he who commits outrages against You. O Allah, You alone we worship, to You we pray and prostrate, You we strive for and

hasten to obey, hoping for Your mercy and fearing Your punishment. Truly, Your punishment shall overtake the unbelievers."

The time for Witr and tarawih is between the nightfall prayer ('isha) and dawn.

@14.10.6 The midmorning prayer (Duha):

It is recommended to pray the midmorning prayer (duha), which minimally consists of two units of prayer (rak'as), with eight raka's being desirable, and the maximum being twelve.

One finishes each pair of rak'as (units of prayer) with greetings of peace (Salams). Its time is after the sun is well risen until just before the noon prayer (zuhr). The preferable time for its performance is after a quarter of the day has passed.

@14.10.7 Making up for missed voluntary prayers:

When one misses, even intentionally, any Voluntary prayer that has a specified time, such as those of the two 'Eids, Duha, Witr, or the Prophetic practices before and after the prescribed prayers, it is recommended to make it up at any time afterwards.

If one misses a Voluntary prayer that is contingent upon some passing event, such as the eclipse prayer, drought prayer, greeting the mosque, or the prayer for guidance (istikhara. def: 10.12), one does not make it up.

@14.10.8 The night vigil prayer (Tahajjud):

The Voluntary prayer at night is a confirmed prophetic tradition (Prophetic practice), (14.10.2), even if one can only do a little.

Wholly Voluntary prayers, meaning those unconnected with a particular time or reason, are better at said at night than during the day. If one divides the night into six parts, the fourth and fifth parts are the best for prayer. If divided in half, the second half is best. If divided into thirds, the middle part is best.

Praying the entire night, every night is offensive.

It is recommended to begin one's night vigil prayers (tahajjud) with two brief units of prayer (rak'as) and to have intended the night vigil prayer before going to sleep, and not to make a practice of more prayer than one can regularly perform without harm to oneself.

It is a prophetic tradition (Prophetic practice) to recite the suras of the night vigil prayer sometimes aloud, sometimes to oneself.

@14.10.9 Joining a series of voluntary prayers, etc:

One finishes every two units of prayer (rak'as) with greetings of peace (Salams), though one may also:

1. join three or more units of prayer (rak'as) by finishing once with the greetings of peace (Salams);
2. pray a single Voluntary rak'a by itself;
3. recite the witnessing of faith (Tashahhud) every two units of prayer (rak'as) without finishing them with greetings of peace (Salams), or every three, or every four, even if the witnessings of faith grow very numerous before finishing the series of rak'as with Salams. This is if not praying the Witr prayer (dis: 14.10.3);
4. or confine oneself to just one witnessing of faith (Tashahhud) in the final rak'a in which case one recites a sura in each of the units of prayer (rak'as) and finishes with the greetings of peace (Salams) after the above mentioned final witnessing of faith. However, it is not permissible to recite the witnessing of faith in every rak'a without finishing with the greetings of peace (Salams).

When one's intention in a Voluntary prayer is to perform a specific number of rak'as, then one may change one's mind as to the number and pray fewer units of prayer (rak'as), or more, provided one changes the intention before having added or subtracted any. Therefore, it is permissible to intend four but finish after two, if one intends to subtract two, though it invalidates the prayer to purposely finish it after two without having made the intention to curtail the planned four units of prayer (rak'as).

If one absentmindedly finishes with the greetings of peace (Salams), one goes on to complete the four and performs the forgetfulness prostration (def:14.11) at the end.

@14.10.10 Greeting the mosque:

It is recommended for whosoever enters a mosque to greet the mosque by praying two units of prayer (rak'as) each time he/she enters, even if one's enters many times within an hour.

If the worshiper sits before performing the prayer to greet the mosque and then prays it, the prayer is not valid. The prayer of greeting is accomplished anytime one enters a mosque and prays two units of prayer (rak'as), whether one intends performing two Voluntary units of prayer (rak'as) that fulfils a vow, the Prophetic practice rak'as before or after a prescribed prayer, the prescribed prayer alone, or the prescribed prayer together with the intention of greeting the mosque.

If one enters the mosque when one does not have ablution (wudu), it is Prophetic practice to say four times, "Exalted is Allah, praise be to Allah, there is no god except Allah, Allah is Greatest."

@14.10.11 Voluntary prayers are offensive when the group has started the obligatory prayer:

It is offensive to begin any nonobligatory prayer, whether greeting the mosque, the prophetic way (Prophetic practice) rak'as before a prescribed prayer, or other, when the imam has begun the obligatory prescribed prayer or the muezzin has begun the call to commence (iqama).

@14.10.12 The guidance prayer (istikhara):

The following text has been extracted from Imam Nawawi's Riyad al-salihin:

Jabir (may Allah be pleased with him) relates that:

"The Prophet – may Allah praise and venerate him – used to teach us to ask Allah in all matters in the same way that he taught us the chapters of the Koran. He would say, 'When any of you intend to embark upon a (new) enterprise, first he should pray two units of voluntary prayer and then supplicate: O Allah, I seek good from You because Yours is the Ability, and I seek power from You because Yours is the Power and beg of You because of Your tremendous Grace, because Yours is the Power and I have no power, and You have knowledge and I have no knowledge. You know what is hidden. O Allah, You know whether or not this matter is good for me in respect of my faith, subsistence and the ultimate in my affairs, if it is good grant me power over it, and make it easy for me and bless it for me. But if it is bad for my faith, subsistence or the ultimate in my affairs, then remove it and distance me from it, and grant me power to do good wherever it may be and then let me be pleased with it.'" At the end of the supplication you should specify the particular affair.

@14.10.13 Voluntary prayer is superior at home:

A nonobligatory prayer at home is superior to one performed at the mosque (dis: 14.8.52).

@14.10.14 Choosing Thursday night to pray is offensive:

It is offensive to single out the night before Friday, meaning Thursday night, as a special night for prayer because in Islam the night precedes the day.

@14.10.15 Offensive, blameworthy prayers that some perform:

It is an offensive, blameworthy innovation (bid'a def:w-29) to perform any of the following spurious prayers:

1. twelve units of prayer (rak'as) between the sunset prayer (maghrib) and nightfall prayer ('isha) on the first Thursday night of the month of Rajab;
2. one hundred units of prayer (rak'as) in the middle of the month of Sha'ban;
3. Two units of prayer (rak'as) after each of the three times of reciting Ya Sin (Koran 36) on the night of mid-Sha'ban;
4. or the so-called prayer of 'Ashura' on 10th Muharram.

@*Chapter 14.11.0: PROSTRATIONS OF FORGETFULNESS, KORAN RECITAL, OR THANKS

@14.11.1 The Forgiveness Prostration:

The two reasons for the forgetfulness prostration are non-performance of something called for such as a main Prophetic practice (14.9.15), or the

performance of something uncalled for such as absentmindedly adding a rak'a to one's prayer.

@14.11.2 Non-performance of a prayer integral 14.11.2

As for nonperformance, if one misses an integral of the prayer (def:14.9.14) and does not remember it until doing what comes after it, then one must, if still in the same unit of prayer (rak'a) go back to it, perform it and what comes after it, and it is Prophetic practice to prostrate for the error at the end of one's prayer provided one is not a follower.

If a person following an imam misses an integral, he/she continues following the imam until the imam finishes with the greetings of peace (Salams), and then the follower rises alone and performs a makeup rak'a.

One is only obligated to re-perform a missed integral in the same unit of prayer (rak'a) i.e. when praying by oneself, if one's forgetfulness of it doesn't continue until the next rak'a.

If one's forgetfulness continues and one goes on to perform the integral during the course of the subsequent unit of prayer (rak'a) then the same integral of the following rak'a takes the missed integral's place. In such a case the rak'a containing the omission does not count and one does not return to it, but performs the rest of the prayer, and then adds a makeup rak'a at the end. This is followed by the prostration of forgetfulness before one finishes with the greetings of peace (Salams).

@14.11.3 Adding a surplus prayer action:

If there is a surplus action, such as when one absentmindedly goes from standing to prostration without having bowed, but then remembers, in such a case one stands up and bows, and performs the forgetfulness prostration at the end of the prayer. Having stood twice before bowing is a surplus action.

One does not prostrate for forgetfulness when there is no surplus action, as when one omits the final prostration of the prayer, but remembers it before one finishes with the greetings of peace (Salams) and performs it, in which case one does not prostrate for it because there has not been an addition.

@14.11.4 Missing a main Prophetic practice:

If one misses a main Prophetic practice (14.9.15), even purposely, one performs a forgetfulness prostration. If one misses anything besides an integral or main Prophetic practice, then one does not prostrate for it.

@14.11.5 Reciting the chapter The Opener (Al Fatiha) etc. at the wrong point in prayer:

The worshiper does not prostrate for, either intentionally or absentmindedly, doing an uncalled for action of the type which when done intentionally does not

invalidate the prayer. For example the turning the head, or taking one or two steps, however, reciting a part or all of the Fatiha or witnessing of faith (Tashahhud) at the wrong place in the prayer are exceptions to this in that, although intentionally reciting them at the wrong place does not invalidate the prayer, it does necessitate a forgetfulness prostration.

@14.11.6 Adding a surplus non-prayer action:

One performs a forgetfulness prostration for unintentionally doing an uncalled for action of the type which when done intentionally invalidates the prayer such as a small amount of irrelevant speech, provided it is not the type of action whose unintentional performance also invalidates the prayer such as much irrelevant speech or action (14.9).

Straightening back up after bowing (14.8.31), and sitting between prostration (14.8.36) are two brief integrals. To intentionally make them lengthy invalidates one's prayer, although to do so absentmindedly just calls for a forgetfulness prostration

@14.11.7 Forgetting the first witnessing of faith:

If one forgets the first witnessing of Faith (Tashahhud) and stands up it is unlawful to return to it. If one intentionally returns to it, this invalidates one's prayer because one has interrupted an obligatory act, which is the integral of standing for the sake of something nonobligatory.

However, if one returns to it absentmindedly or out of ignorance, one prostrates for it, and one must interrupt the witnessing of faith that one has returned to, and stand up as soon as one remembers.

If one has omitted the first witnessing of faith and started to rise, but checks oneself before standing and sits down again, this does necessitate a forgetfulness prostration. However, if one intentionally rises and then returns to sitting after having been closer to standing, one's prayer is invalid. If not, it is valid.

The same applies to omitting the supplication of the dawn prayer (14.8.53), where placing the forehead on the ground is as standing up is in the above ruling which is that, one may return to the omitted supplication as long as one has not yet completed the first prostration.

@14.11.8 When the imam forgets the witnessing:

When praying behind an imam who misses the first witnessing of faith (Tashuhhud) by standing, the follower may not remain seated to recite it by himself. This is because this is a gross contravention of his leadership and invalidates the prayer when done purposely and in awareness of its prohibition, unless he has made the intention to cease his participation in the group prayer and finish alone.

However, if the imam omits the first witnessing of faith (Tashahhud) and the follower stands up with him, and then the imam sits down, it is unlawful for the follower to follow him therein. In such instance the follower should either cease his participation in the group prayer, or else remain standing and wait for the imam to rise before they continue the prayer together. If the follower intentionally sits back down when the imam does knowing it to be unlawful his prayer is invalid. If the imam is sitting for the witnessing of faith and the follower absentmindedly stands up, then he must sit again, out of respect for the imam's leadership. This is because following him in what is correct and takes priority over starting an obligatory integral, which is also why the late comer to group prayer may omit both standing and reciting Al Fatiha to bow when the imam bows, as mention in 14.8.15.

@14.11.9 Doubts as to whether one has made a mistake:

The prostration of forgetfulness is not performed when one is uncertain that he/she did something that calls for a forgetfulness prostration, or that he/she added a surplus integral, or did something uncalled for.

However, if the worshiper is uncertain whether a main Prophetic practice has been omitted (14.9.15), or performed the forgetfulness prostration, or whether he/she prayed three rak'as or four, and this includes being uncertain. For example not knowing or believing it probable that he/she performed one or more of a rak'a integrals, since without all seventeen integrals (14.9.14), the rak'a remains unperformed, then one proceeds on the assumption that one did not yet do it and one finishes with a forgetfulness prostration.

When the doubt that an extra unit of prayer (rak'a) has been performed is resolved before finishing the prayer with Salam, one also prostrates for forgetfulness because of the rak'a one prayed while uncertain, which was presumed to have possibly been extra. But, if performing it would have been obligatory in any case, as when one is uncertain during the third unit of prayer (rak'a) of a four-rak'a prayer as to whether it is the third or fourth rak'a, but one remembers during it that it is the third, then one does not prostrate for one's forgetfulness. However, if one did not remember which it was until rising for the fourth rak'a one prostrates for forgetfulness. The same applies to prayers of less than four units of prayer (rak'as).

@14.11.10 Forgetfulness prostration is only twice:

The forgetfulness prostration, even if there are numerous reasons for it in one prayer, is only two prostrations.

@14.11.11 Mistakes made by the imam:

If one comes late to a group prayer and the imam performs a forgetfulness prostration at the end of the group's prayer, one performs it with the group and once again at the end of one's own prayer.

A follower does not prostrate for forgetfulness when he makes an individual mistake while following unless he omits an integral, as discussed above at 14.11.2. However, he does prostrate if his mistake occurred before joining the group or after the imam finished with the greetings of peace (Salams).

If the imam makes a mistake, even if it was before one joined the group prayer, then one must follow the Imam when he prostrates for it with the group. If refuses it invalidates his prayer.

If the imam neglects to perform a forgetfulness prostration, the follower does so anyway. If one comes late to group prayer, absentmindedly finishes with the greetings of peace (Salams) with the imam, and then remembers the rest of the prayer that one has to complete then one performs the remainder and prostrates for forgetfulness.

@14.11.12 Forgetfulness prostration is Prophetic practice:

The forgetfulness prostration is a Prophetic practice. It is performed before one's final greetings of peace (Salams), no matter whether the reason is a surplus action or an omitted one.

The worshiper is no longer entitled to perform the prostration of forgetfulness if he/she deliberately finishes with the greetings of peace (Salams) before it, or absentmindedly finishes with Salams and there is a lengthy interval before one recalls that one was supposed to have performed it. However, if this interval is brief and one wishes, then one may prostrate, and one has thereby returned to the prayer and must again finish it with Salams.

@14.11.13 The Koran recital prostration:

To prostrate for the recital of appropriate verses of the Koran is Prophetic practice for the person reciting, listening, or hearing.

@14.11.14 One prostrates for one's own recital if praying by oneself or if one is imam. However, it invalidates one's prayer to intentionally and with knowledge of its prohibition recite a verse for the purpose of prostrating during the prayer, except for the chapter Al-Sajda (Koran 32) recited in the dawn prayer (subh) on a Friday. But if either prostrates upon hearing someone else's recital, it invalidates their prayer. A follower prostrates with his imam.

The follower's prayer is invalid if he prostrates for his own recital, the recital of someone other than the imam, or does not prostrate when the imam does.

@14.11.15 There are fourteen prostration verses, two of them in al-Hajj (Koran 22). They do not include the prostration in the chapter Saad (Koran 38.24), which is a prostration of thanksgiving, not of Koran recital, and is only performed

outside of a prayer. To purposely prostrate for it during the prayer invalidates the prayer.

@14.11.16 How the prostration is made:

When one prostrates for reciting while in the prayer, it is recommended to say Allah is the Greatest (Allahu Akbar) before prostrating and again when rising. It is obligatory to stand again after its pronouncement, or to sit up again if performing a nonobligatory prayer when seated, and recommended to then recite more of the Koran before one bows.

When one prostrates for reciting while outside of the prayer, it is obligatory to say an opening (Allahu Akbar) Allah is the Greatest, and to finish with the greetings of peace (Salams).

The four integrals of both the prostration of the Koran recital outside of prayer and of the prostration of thanks are:

- (a) the intention;
- (b) the opening Allahu Akbar, Allah is Greatest;
- (c) the prostration;
- (d) the final greetings of peace (Salams) which can only be performed in a sitting position.

Whether made in or out of prayer, the things that invalidate a normal prayer invalidate the prostrations of recital or thanks, and the conditions of the prayer, for example, having ablution (wudu), clothing nakedness, the entry of the proper time, which is when the last letter of a prostration verse has been recited - facing the direction of prayer (qibla), and so forth.

It is recommended to say Allah is the Greatest (Allahu Akbar) when one prostrates and rises, although not to recite the witnessing of faith (Tashahhud) therein.

@14.11.17 If the worshiper delays the recital prostration past its time and the interval is brief, meaning less than the time of two brief, medium-length units of prayer (rak'as), then he/she is still able to prostrate. If longer than that, the worshiper does not make it up.

When the worshiper repeats a prostration verse within one sitting or within one unit of prayer (rak'a) and he/she has missed the prostration at its first mention, then it is accomplished by a single prostration. However, if the worshiper prostrates for the first, he/she still prostrates for the subsequent times, as the reason to do so has been renewed.

@14.11.18 Asking for mercy when reciting the Koran:

When reciting the Koran, whether during the prayer or not, it is recommended to ask Allah for His Mercy when reciting the verses mentioning mercy, and to seek refuge in Him (Ta'awwuTh) at verse mentioning punishment.

@14.11.19 The prostration of thanks:

Whenever a manifest blessing appears in one's life, such as the birth of a child, wealth, or prestige, it is recommended to prostrate out of thanks to Allah. Likewise when an affliction is averted such as being saved from drowning, regaining health, or the reappearance of someone lost or the death of a tyrant, or when one sees someone Allah has afflicted with disobedience or illness, although in the latter case one should prostrate in private so as not to sadden the person.

The prostration of thanks is the same as the Koran recital prostration outside of the prayer regarding its integrals and conditions (14.11.16). It invalidates the worshiper's prayer if performed during it.

@14.11.20 It is unlawful to prostrate without occasion to humble oneself to Allah to draw near to Him because it is a reprehensible innovation (bid'a def: w-29.3).

@14.11.21 The recital prostration's requirements of facing the direction of prayer (qibla), purity, and clothing nakedness are the same as those of the nonobligatory prayers.

@*Chapter 14.12.0: GROUP PRAYER AND THE IMAM

@14.12.1 Group prayer:

Group prayer is a Communal obligation (def:8.3.2) upon all male non-travelers for the five current obligatory prescribed prayers, such that the rite of the prayer is public.

In a small town, it is enough to gather somewhere and pray. In a city, the prayer must be held in public places such that the manifestations of obedience to the command of Allah is evident. If held in houses where the rite of prayer is not public, the obligation remains unfulfilled however, a house with a sign on it suffices.

@14.12.2 The group prayer is Prophetic practice for women, travelers, and for makeup prayers in which the imam and followers are performing the same type of prayer. However, it is not Prophetic practice for a follower's makeup prayer to be performed behind an imam's current obligatory prescribed prayer, or for a makeup prayer to be performed behind a different type of makeup such as a follower making up the noon prayer (zuhr) behind an imam who is making up the mid-afternoon prayer ('asr).

@14.12.3 Friday congregational prayer is personally obligatory for men:

It is personally obligatory to perform the Friday, Congregational prayer (Jumu'a) in a group.

@14.12.4 Best group prayer is dawn, then nightfall:

The group prayer for which the demand to pray in group is the strongest is the dawn prayer (subh), then the after-sunset prayer ('maghrib), then the nightfall prayer ('isha), and then the mid-afternoon prayer ('asr).

The minimal number of people for a group prayer is an imam and one to follow.

It is best for men to perform group prayer at the mosque. The best mosque in which to pray is the one with the most people. If there is a nearby mosque attended by only a few people, then it is better to go to a distant one attended by more, unless the imam there commits reprehensible innovations (bid'a def:w-29.3), is immoral, does not consider one of the integrals of the prayer to be an integral, however, this does not apply if it is the result of the imam's following a different school of jurisprudence, as below at 14.12.29, or if one's going to the farther mosque will make group prayer impossible at the one nearby, as when one is one of the only two people who are likely to come, in such cases it is better to pray at the nearby mosque.

It is better for women to pray at home than at the mosque regardless whether they are young or old. It is offensive for an attractive or young woman to come to the mosque to pray or for her husband to permit her, though not offensive for women who are not young or attractive when they are less likely to cause temptation.

The author's words here must be interpreted in the light of the following details. If a woman's going to group prayer or elsewhere will definitely lead to temptation between the sexes, it is unlawful for her to go. If such temptation can be definitely prevented, her going to attend group prayer remains Prophetic practice, as is attested to by the Prophetic quotations (Ahadith) that have reached us on the subject. If temptation is feared, but not certain to occur, her going becomes offensive. Whether such temptation is likely to occur is something that differs with different times, places, and people. An elderly woman is not like a young one, nor a righteous society like one in which temptation between the sexes is the habit; nor is a special prayer place set aside for women at a mosque like a prayer place which they share with men. This is why Lady Ayesha (may Allah be well pleased with her) said, "Had the Prophet - may Allah venerate him and give him peace - seen what women do now, he would have forbidden them the mosque as the women of the Children of Israel were forbidden."

The temptation between the sexes whose occurrence is to be feared when they intermingle is of various degrees, the least of which is a person's appreciating and admiring the other, then being attracted to enamored with the other, and finally, those indecencies which are not hidden from anyone. Islam is eager to

eliminate evil at its inception and extirpate temptation from its outset, and the word of Allah, the Most High, "Say to the believers they should lower their gaze and guard their private parts, that is purer for them." (Koran 24.30). This explains both the starting point and final outcome of the temptation of men through women and the temptation of women through men.

@14.12.5 Legitimate excuses for not attending the group prayer:

There is no demand to attend the group prayer no matter whether it is communally obligatory (dis: 14.12.1), personally obligatory (14.12.3), or Prophetic practice (14.12.2), when there is a valid excuse not to, such as:

1. hardship due to rain or snow that soaks clothing;
2. hardship due to heavy mud;
3. severe winds at night or at dawn;
4. severe heat or cold;
5. being in the presence of food or drink that one wants to have, because they prevent the awe and humility befitting they prayer. One should eat enough to take the edge off one's hunger and then go to join the group;
6. holding back from going to the toilet or breaking wind because one should relieve oneself first, even if one fears missing the group prayer;
7. hazard to one's person;
8. hazard to one's property such as theft or seizure, no matter whether it belongs to oneself or to another whose property one is obligated to protect. It also includes bread one has put in the oven that would burn if one were to leave and attend the prayer;
9. hardship from an ailment even when one is able to attend, if it entails a hardship comparable to that of walking in the rain. If one is suffering from a slight indisposition, such as a toothache or the like, it is not an excuse;
10. taking care of a sick person who would suffer harm if one left to pray no matter whether the person is a relative, friend, or a total stranger;
11. the death of relative, friend;
12. fear of missing the impending departure of the party with which one intends to travel;
13. having eaten something with a bad odor, such as raw onions or garlic, however it they have been cooked their smell is eliminated;
14. or fear of meeting someone who will try to collect a debt one owes him and one is unable to pay.

@14.12.6 Follower's intention:

It is a condition of a valid group prayer that the follower intend to follow the imam at the opening of the pronouncement of Allah is the Greatest (Allahu Akbar) or thereafter. If the follower neglects to do so, his prayer is as if he had performed it alone.

It invalidates one's prayer to purposely omit the intention to follow the imam while at the same time praying behind him and following his motions by awaiting them

at length, though awaiting them shortly or performing one's own prayer simultaneously with his does not invalidate it.

It invalidates one's prayer to take a follower as one's imam when the follower is concurrently praying behind an imam. However, if his imam finishes with the greetings of peace (Salams) and the follower is still praying, he may then be taken as one's imam.

@14.12.7 Imam's intention:

The imam intends the prayer as an imam. If he neglects this intention then his own prayer counts as if he had prayed alone however, his follower's prayer counts as a group prayer, and the imam loses the reward for praying in a group.

In the Friday, Congregational prayer (Jumu'a), it is a necessary condition for the prayer's validity that the imam intends leading as an imam.

@14.12.8 When walking to the place of prayer:

When going to a group prayer, it is recommended to walk with tranquillity. It is Prophetic practice not to speak of disapproved things, or engage in acts which are offensive in the prayer itself, such as looking right or left.

It is recommended to diligently seek the spiritual merit of being at the group prayer's opening pronouncement of Allah is the Greatest (Allahu Akbar), meaning that one says it just after the imam does.

@14.12.9 When the group begins to pray and one has already begun to pray:

If the worshiper has begun a nonobligatory prayer when the call commence (iqama) is given, he/she should finish it before joining the group, as long as the worshiper does not fear the group will finish before he/she can join them. If the worshiper is afraid that they will, then he/she interrupts the nonobligatory prayer to join them.

If the worshiper has begun praying an obligatory prescribed prayer alone and the call to commence (iqama) is given for a group prayer, it is recommended to turn one's prayer into a Voluntary prayer of two raka's and pray the obligatory prescribed prayer with the group. If the worshiper changes his/her's intention to that of following the imam, it would count as a valid group prayer, but it is offensive. In such a case, if the worshiper reaches the end of his/her prayer before the group, he/she may either wait for them to finish while sitting in the final witnessing of faith (Tashahhud), or else finish with the greetings of peace (Salams) as soon as he/she reaches the end of the prayer.

One may not follow the imam in what is in excess of one's own prayer.

@14.12.10 Breaking off participation in the group prayer:

It is permissible to start praying with a group, and then cease one's participation in praying with them by a silent intention, and finish one's prayer alone, though

this is offensive when there is no excuse, such as that of being ill, or unable to endure the imam's lengthy Koran recital because of weakness or having business to attend to, or a pressing emergency.

@14.12.11 Arriving late to a group prayer:

When a worshiper arrives late to a group prayer in which the imam is already bowing, it is obligatory for the worshiper to say the opening Allah is the Greatest (Allahu Akbar) while standing upright, after which the worshiper says a second Allahu Akbar before bowing to join the group. However, if the worshiper only says it once, intending the opening Allahu Akbar thereby, then omits the second Allahu Akbar of bowing it does no harm, as it is Prophetic practice.

If any part of a worshiper's opening "Allah is the Greatest" (Allahu Akbar) occurs when the worshiper is not standing upright (14.8.27), the prayer is invalid.

A latecomer is considered to have performed the unit of prayer (rak'a) if he manages to say Allahu Akbar, bow, and remain motionless a moment therein before the imam straightens up beyond the definitional limit of bowing (14.8.29). If the worshiper is uncertain as to whether the imam straightened up past the limits of bowing before the worshiper reached that position, or whether it was after, then the latecomer has not performed the unit of prayer (rak'a) as one assumes, when uncertain, that it was not reached. Nor does the unit of prayer (rak'a) count for such a follower when it does not count for the imam, such as when the imam nullifies his ablution (wudu), or has overlooked something impure on his person, or has mistakenly added a fifth rak'a to his prayer.

If one does not join the group until the imam has straightened up from bowing, or thereafter, then the worshiper follows his motions, saying "Allah is the Greatest" (Allahu Akbar) with him and repeating "Exalted is Allah" (Subhan Allah) and the witnessing of faith (Tashahhud) when he does, even when this does not correspond to the unit of prayer (rak'a) in which one's own witnessing of faith would be if one were praying alone.

If one joins the group just as the imam is prostrating or sitting in the final witnessing of faith, then one prostrates or sits with him after having recited one's opening pronouncement of "Allah is the Greatest" (Allahu Akbar) while standing without a second pronouncement of Allahu Akbar. However, one does say "Subhan Allah" in prostration and recite the witnessing of faith with the imam, out of respect to his leadership.

If the final witnessing of faith of the imam coincides with one's own first witnessing, then when the imam finishes with the greetings of peace (Salams), one stands up with a pronouncement of Allah is the Greatest (Allahu Akbar) to finish the prayer. However, if the imam's final witnessing does not coincide with one's first witnessing, one rises to finish without a saying Allahu Akbar.

@14.12.12 Whenever the latecomer joins the group before the imam finishes with greetings of peace (Salams), the latecomer has attained the merit of the group prayer. However, it is less than the merit of praying with the group from the beginning or joining them in the middle, though joining them at the end is better than praying alone.

@14.12.13 Finishing alone:

The units of prayer (rak`as) performed before the imam finishes with the greetings of peace (Salams) are the first rak`as of the latecomer's prayer, and those performed after the imam finishes are the last. Hence, if the imam performs the dawn prayer's supplication (14.8.53) in the rak`a in which the latecomer joins the group, the latecomer repeats it in his/her own second unit of prayer (rak`a).

@14.12.14 Following the imam's actions is obligatory:

It is obligatory for one to follow the imam's leadership in prayer actions, such that each of one's movements begins after the imam begins it and before he finishes the following integral. It is highly desirable that one follows the imam's spoken integrals in the same way, with the sole exception of saying "Ameen" (14.8.19), which should be simultaneous with his.

It invalidates one's prayer to say the opening "Allah is the Greatest" (Allahu Akbar) simultaneously with the imam, or to be uncertain as to whether one did so or not.

It is offensive to perform some other part of the prayer simultaneously with the imam, and causes the merit loss of the group prayer.

@14.12.15 Getting ahead of the imam 14.12.15

It is offensive to proceed to an integral ahead of the imam, as when one bows before he does, and one is recommended to return to following him.

An "integral" in rulings concerning the person who gets ahead of the imam or lags behind him refers to integrals that are physical actions, such as standing, bowing, straightening up, prostrating, or sitting up between prostrations. It does not refer to spoken integrals such as reciting the Al Fatiha, or to remaining motionless for a moment in the various positions.

It is unlawful, though it does not invalidate the prayer, to completely finish an integral before the imam comes to it, as when one bows, straightens up, and then waits for him to straighten up.

If one knows that it is unlawful to completely finish two integrals before the imam does then one's prayer is invalidated. If one does so absentmindedly or in ignorance of its prohibition the prayer is not invalidated but the unit of prayer (rak`a) does not count and one must add an additional rak`a after the imam finishes with the greetings of peace (Salams).

@14.12.16 Lagging behind the imam:

If there is no excuse (below), it is offensive to lag behind the imam so that he completely finishes an integral (14.12.15) ahead of oneself, and it invalidates one's prayer to lag behind the imam until he finishes two integrals.

If the imam bows and straightens up while one, without an excuse, has not yet bowed, it does not invalidate one's prayer until the imam actually begins going down towards prostration and one still has not bowed. This is because lagging means that the imam has finished two integrals before the follower has reached the first of them. This invalidates one's prayer even before the imam reaches prostration, as he has completed two integrals.

@14.12.17 Valid reason: When one lags behind the imam for a valid reason, such as one's slow recital due to one's inability, this includes a natural inability or being a non-Arabi⁸ speaker, but not unfounded misgivings (waswasa, def: 3.3.3), and the imam bows, then it is obligatory for one to finish saying the Opener Chapter (Al Fatiha). In such a case, one is not entitled to omit the rest of the Al Fatiha and bow with the imam, as a latecomer is entitled to do (dis: 14.8.15). Having completed Al Fatiha one rapidly performs the elements of the prayer to catch up with the imam, provided the imam is not more than three long integrals ahead of one. (Long excludes the integrals of straightening up after bowing and sitting between prostrations, which are short. Rather, the imam's being three integrals ahead of one means he has bowed, prostrated once, and begun the second prostration, while the follower has still not bowed.)

If one is further behind than that as when he has started to stand up while one is still standing for recital, then one follows from where one is and performs the ones missed after the imam finishes with greetings of peace (Salams).

@14.12.18 Imam waiting for latecomer to join prayer:

When the imam is bowing or in the final witnessing of faith (Tashahhud), and becomes aware of someone coming to join the group prayer, it is recommended that he wait for the latecomer so that the unit of prayer counts for him if they are bowing, or so the group prayer counts for him if they are in the final witnessing of faith, provided:

- (a) that the person has entered the mosque or place of prayer;
- (b) that the wait is not excessively long;
- (c) and that the imam's intention is obedience to Allah, not to give distinction or honor to the latecomer, such as by waiting for the noble but not an ordinary person.

Waiting for a latecomer is offensive in other than bowing and the final witnessing of faith.

@14.12.19 Imam of the mosque has the better right to lead the prayer:

When a mosque has an imam assigned to it by the person in charge of the mosque, or as a condition of an endowment (waqf, def:16.30), and the mosque is not in a busy location, it is offensive for another to commence the group prayer without the imam's permission because the imamate is his, no one else's, and because of the alienation and hurtful feelings it involves. It is not offensive for another to do so in a mosque at a busy location or one to which no imam has been assigned.

@14.12.20 Repeating one's prayer with a group:

When one has already performed one's prescribed prayer alone or in a group, and finds another group prayer being performed, it is recommended to repeat one's prayer with them, intending the obligatory prayer. Its reward is that of a Voluntary prayer.

@14.12.21 Briefness in leading group prayers:

The imam is recommended to keep his recital of the chapter (sura) brief, that is, not necessarily the absolute minimum, but neither the maximum desirable for someone who is praying alone.

When leading a group composed solely of those who are able to perform lengthy prayers, the imam is recommended to lengthen the recital.

@14.12.22 Prompting the imam when he forgets something:

When the imam stops reciting the Koran because of uncertainty, it is recommended for the follower to remind him of what comes next.

If the imam forgets an remembrance (Thikr), the follower says it so the imam can hear. If he forgets an action, the follower should remind him of it by saying "Exalted is Allah" (Subhan Allah) with the intention of remembrance, as at 14.9.4.

If the imam remembers having missed the action, he performs it. However, if he does not remember having missed it, it is not permissible for him to perform it just because the followers or others are reminding him, even if they are numerous.

The more reliable opinion is that if their number reaches four or more, he must act upon it.

@14.12.23 When the imam forgets an obligatory element:

If the imam omits an obligatory element of the prayer and does not return to it and perform it, then it is obligatory for the follower to cease his participation (14.12.10) in the group prayer.

If the imam omits a Prophetic practice that the follower cannot add without considerably lagging behind, such as the first witnessing of faith (Tashahhud), then it is unlawful for the follower to perform the missing Prophetic practice,

rather, he must follow the imam. If he performs it anyway, intentionally and knowing it is unlawful, it invalidates his prayer, although he is entitled to cease his participation in the group prayer to perform the Prophetic practice in the course of finishing his own prayer alone.

If the Prophetic practice omitted by the imam can be done without much of a lag, such as sitting briefly before rising for a new unit of prayer (rak`a) (14.8.40), then the follower may add it without ceasing his participation in the group. This also applies to when the imam omits the supplication of the dawn prayer (f. 8.53), which the follower may perform if he can catch up with the imam before the imam lifts his head from the second prostration. However, if the imam lifts his head before the follower has prostrated even once and the follower has not intended to cease his participation in the group prayer, then the follower's prayer is invalid.

@14.12.24 Imam leaving the prayer for another to finish:

Whenever the imam ceases his prayer because of his ablution (wudu) being nullified, or another reason, he may choose a successor to finish leading the prayer, provided the successor is eligible (14.12.27) to lead the group. If the group performs a whole integral (14.12.15) after the imam has stopped leading, then he may no longer choose a successor.

Any follower may be chosen as the successor, even if he came late to the group prayer. If the successor is a latecomer, he leads the group beginning at the same point in the prayer where the imam left off. When he finishes leading them in their prayer, he stands to finish his own, and indicates to them to cease following his leadership, or better yet, indicates for them to remain waiting for him in their final witnessing of faith (Tashahhud)) until he comes to it after finishing his own units of prayer (rak`as). If he does not know which rak`a the imam was in, then he should observe, by looking left or right to see if the followers are sitting or whether they are ready to rise. If they are, he rises, and if not he sits in a witnessing of faith.

It is permissible for the successor to be someone who has not been praying with the group, provided he is picked in the first or third unit of prayer (rak`a) if the prayer has four rak`as. However, he may not be picked in the second or fourth rak`a because the order of the person's prayer will not correspond to theirs, for such a person is not committed to the imam's order.

The followers need not intend to follow the successor. They may each simply break off and finish alone. If the imam chooses someone but they put forward someone else, their choice takes precedence.

@14.12.25 The Leading of the prayer (imamate):

When there is a disagreement who is the best right to be imam the order of preference is:

1. the most learned in Sacred Law, i.e. the rulings concerned with prayer even if he has not memorized any of the Koran except Al Fatiha, since the need in prayer for knowledge of its rules is practically unlimited, while the only Koran recital required is the Fatiha;
2. he who better in reciting the Koran
3. the most pious, because leading the prayer is an ambassadorship between the worshipper and Allah, the Most High, and best befits him most honored by Allah;
4. he who has been a Muslim longest;
5. the noblest in lineage;
6. the one with the best life history or reputation;
7. the cleanest in person and clothes;
8. the one with the best voice;
9. the most handsome.

When only one of the above is present, he is chosen. If all the people present or some of them possess one or more of these characteristics, then someone from the first of the list takes priority over those listed after him. If two are equal and each insists on being the imam, they draw lots.

The imam assigned to a mosque or a person living in the house where the prayer takes place, even if only renting, takes precedence over everyone on the list, from the most learned on down, though he may select anyone else he wishes to lead the prayer. The sultan and those under him, Islamic judges, regional governors, and so on, take precedence over the imam of the mosque, the householder, and others.

The following take precedence even when the latter is more learned in Sacred Law:

1. a non-traveler over a traveler;
2. an upright person (9.24.4) over one who is corrupt;
3. and an adult over a child.

A sighted and a blind person are equally eligible to lead the prayer.

@14.12.26 Offensiveness for someone the majority dislike to lead the prayer: It is offensive for someone to lead a group at prayer when most of the group dislike him for a reason recognized by Sacred Law, such as wrongdoing, not taking precautions against filth (najasa), having a blameworthy income, keeping the company of oppressors or the immoral, and so forth. If a minority dislike him, it is not offensive, for nobody lacks someone who dislikes him.

@14.12.27 Conditions for being an imam:

It is neither permissible nor valid to follow an imam who is non-Muslim, insane, in a state of ritual impurity (e-7,e-10), or who has filth (najasa) on his clothing or person, or is a woman leading men, or someone who omits or mispronounces (14.8.18) a letter of Al Fatiha leading someone who knows it, or a mute, or

someone who slurs the words so the letters are indistinct from one another, or someone with a lisp.

If, after the prayer one finds out that the imam was one of the above, then the prayer must be made up for, unless the imam had filth upon him that was concealed, or he was in a state of ritual impurity, in either case one need not make it up.

@14.12.28 Imam performing a different prayer than a follower:

The group prayer is valid:

1. When the imam is performing a Voluntary prayer and the follower is performing an obligatory prescribed prayer, or vice versa;
2. when the imam is performing the noon prayer (zuhr) and the follower is praying the dawn prayer (subh) i.e. when the type of prayer differs, or vice versa;
3. when the imam is praying while sitting and the follower is praying standing, or vice versa;
4. and when the imam is performing a makeup prayer and the follower is performing a current one, or vice versa.

However, a person shortening his prayer because of traveling may not pray behind an imam who is performing the full number, as at 14.15.8(f).

@14.12.29 Imam of a different school of jurisprudence:

It is valid for a Shafi'i to follow the leadership of an imam who follows a different school of jurisprudence whenever the follower is not certain that the imam has omitted an obligatory element of the prayer, though if certain the imam has omitted one, it is not valid to follow him.

The validity is based solely on the belief of the follower as to whether or not something obligatory has been omitted.

One should mention the position of the Malikis and Hanbalis here, which is that the criterion for the validity of following the imam is the imam's school of jurisprudence, such that if his prayer is valid in his own school, it is permissible to follow him as imam.

@14.12.30 It is offensive to take an immoral person (9.24.3) as imam because he might not be concerned about the things that are obligatory in the prayer. It is also offensive to take someone who stutters over the letter f or the letter t as an imam, or who makes inconsequential mistakes in the Arabic vowelling that do not change the meaning.

14.12.31 Rules and conditions of following:

When there are two or more male followers, it is Prophetic practice for them to stand behind the imam. A single male follower stands on the imam's right, and if a second follower arrives, the newcomer stands to the imam's left and says his

opening Allahu Akbar, after which the two followers move back a little. If they cannot move back on account of lack of room then the imam moves forward.

@14.12.32 A woman imam leading women at prayer:

When there are men, boys, and women present, the men form the front row or rows, then the boys, and then the women. This is also the rule for husband and wife, the wife prays in a separate row behind the husband.

If the men's back row is incomplete, it should be completed with boys and a latecomer may not remove the boys to make a place for himself unless they are directly behind the imam. Those who form a new row behind a row that is incomplete do not attain the merit of group prayer.

A woman leading women in prayer stands in the middle of their first row.

@14.12.33 It is offensive for the imam's place to be higher or lower than the follower's unless the imam wishes to teach the followers the actions of prayer. If the imam and follower are not in a mosque, it is obligatory that part of the imam's body be level with part of the follower's when both are of average height.

@14.12.34 The latecomer to a group prayer who does not find a place in the last row should stand behind it, begin his prayer with the opening, Allah is the Greatest (Allahu Akbar), and then indicate to someone in the row to stand with him, by drawing him back. It is recommended that the person selected cooperate by stepping back however, this only applies if the latecomer does not expect anyone else to come.

@14.12.35 Follower may not stand in front of the imam:

The follower's prayer is invalid if his heel is farther forward than the imam's. He should be farther back than the imam's heel, even if only a little, but not more than 1.44 meters, for otherwise the merit of group prayer is lost, that is, unrewarded, though not legally invalid.

@14.12.36 Leadership unconditionally valid in mosques

Whenever an imam leads a follower in a mosque, the group prayer is valid no matter if they are at a distance from each other, and no matter whether they are in the same room or not, as when one of them is on the roof, even if the door is closed, provided that both places open onto the mosque, and that the follower can know when the imam is performing the motions of the prayer, whether by seeing the imam, or hearing his backup man (muballigh). A (muballigh) is the person who repeats the imam's Allahu Akbars and greetings of peace (Salams) in a loud voice so people can hear.

Multiple interconnected mosques opening onto each other are considered as one mosque and so are the mosque's outer courtyards, even when there is a walkway between the courtyard and mosque.

@14.12.37 Maximal distances between the imam and followers:

When the imam and follower are not in a mosque, but are in an open space such as a desert or large house, their group prayer is valid as long as the distance between them does not exceed approximately 144 meters. If farther apart than this, their group prayer is not valid. [unless there is a loud speaker in use or at the end of the Imam sound-reach another person repeats the Imam 'Allahu Akbar' etc for the rest of the people who do not hear the imam.]

If there are rows of people behind the imam, this distance is the maximum that is valid between each row and the one in front of it, even if there are miles between the imam and the last row, or a fire, river that would have to be swum to reach him, or busy street between them.

If the imam is in one building and the follower in another, such as two houses, or if there is a house, hotel, or school where the imam is in a courtyard and the follower is under a covered porch, or vice versa, then the maximum allowable distance is the same as for outdoors (above), provided that there is nothing between the imam and follower that obstructs passage to the imam, such as a latticework window and provided that there is nothing that prevents the follower from seeing him, such as a closed door.

The group prayer is valid when the imam is in a mosque and the follower is in an adjoining space, provided that there is 144 meters or less between the follower and the edge of the mosque, and that between the follower and the mosque there is not a barrier lacking a breach in it, breach meaning, for example, when the follower is standing before a wall's open gate. If such a person's group prayer with the imam is valid, then the prayer of those behind him or in the row with him is also valid, even when these others are numerous, and the group extends beyond the area fronting the gate. Such a person's group prayer is not valid if he turns from the gate, or if the wall of the mosque, a window, or a closed door, locked or not, lies between him and the imam.

@*Chapter 14.13.0: TIMES WHEN THE PRAYER IS FORBIDDEN

@14.13.1 Refers to non-obligatory prayers without a reason:

The rules below apply to prayers that are wholly Voluntary, i.e. which are not performed for any particular occasion or reason. They apply to prayers performed for a reason that will occur after the obligatory prayer, such as the two Prophetic practice units of prayer (rak'as) before entering the state of pilgrim sanctity (ihram).

@14.13.2 Times 14.13.2 The prayer is unlawful and invalid:

1. from sunrise until the sun is a spear's length above the horizon, meaning when a distance equal to the sun's diameter appears between the sun and the horizon;
2. from the time the sun is at its highest point in the sky until it moves on;
3. from when the sun yellows before sunset until after it has set;

4. after praying the current dawn prayer (subh);
5. and after praying the current mid-afternoon prayer (`asr).

@14.13.3 Exceptions include Friday noons and at the Ka'ba:

It is permissible at the above times to offer nonobligatory prayers that are performed for a particular reason, such as the funeral prayer, greeting the mosque (14.10.10), or the two units of prayer (rak`as) that are Prophetic practice after ablution (wudu); and is also permissible to make up missed prayers. However, one may not perform the two units of prayer (rak`as) that are Prophetic practice before entering the state of pilgrim sanctity (ihram).

@14.13.4 Exceptions include Friday noons and at the Ka'ba:

It is not offensive to pray within the Meccan Sacred Precinct (Haram) at any time. Nor is it offensive to pray when the sun is at its zenith on a Friday no matter whether one is in the Sacred Precinct or elsewhere.

@*Chapter 14.14.0: THE PRAYER OF A SICK PERSON

@14.14.1 Sitting when unable to stand:

Someone unable to stand may pray the obligatory prayer seated and need not make it up. "Unable" meaning that standing involves manifest hardship, will cause illness or the worsening of a present illness, or cause vertigo, as when one is on a ship.

A sick person may sit for the prayer any way he likes, though the "iftirash" style of sitting (14.8.37) is recommended. It is offensive in prayer to simply sit on the ground, palms down and knees drawn up, or to sit with legs outstretched when there is no excuse.

@14.14.2 Bowing and prostrating while seated 14.14.2

When seated for the prayer, the minimal bowing is to incline until the forehead is farther forward than the knees. The desirable way is to incline until the forehead is as far forward as the place where the head rests in prostration. When unable to bow or prostrate, one comes as close to the ground with the forehead as one can. When unable to do this, one performs them by nodding.

@14.14.3 Sitting when an ailment prevents it:

If an abscess or the like prevents one from sitting, then one "sits" standing, meaning ordinary standing, with the intention of sitting so that one stands between prostrations and for the witnessing of faith (Tashahhud).

@14.14.4 Prayer when medical treatment entails not standing:

If the worshiper is capable of standing but suffers from a painful swelling of the eyes or something similar, such as a wound that can be treated by having the patient remain lying down, and a reliable physician informs one that praying while on one's back will enable him/her to be treated, then it is permissible to pray while lying down without having to make up the prayer.

@14.14.5 Inability to stand, sit, etc:

If unable to stand and unable to sit, one lies on one's right side facing the direction of prayer (qibla) with the face and front of the one's body, though one must bow and prostrate if possible.

If this is not possible, one bows and prostrates by nodding one's head deeper for prostration than for bowing.

If unable to even nod, one glances down with the eyes for bowing and prostration. If one cannot, one goes through the integrals of the prayer in one's mind. If unable to speak one recites it in one's heart.

The obligation of prayer exists as long as one is able to reason (dis: 14.1.1).

@14.14.6 If the worshiper is standing during the prayer and becomes unable to remain standing, he/she sits to finish the prayer. If this occurs during the recitation of Al Fatiha, one may not interrupt reciting it, but must continue to do so as one proceeds to sit.

If the worshiper's condition improves enough then he/she must stand to complete the prayer.

@*Chapter 14.15.0: SHORTENING OR JOINING PRAYERS ON ACCOUNT OF TRAVEL OR RAIN

@ The two travel dispensations of shortening and joining prayers have no effect on each other; one may take both together, either, or none. It is superior in our school not to take the dispensations that are permissible.

@14.15.1 Shortening prayers while traveling:

It is permissible to shorten the current obligatory prescribed prayers of noon (zuhr), mid-afternoon (`asr), and nightfall (`isha) to two rak'as each, when one is:

(a) travelling for a reason that is not disobedience to Allah;

(b) on a journey of at least 48 Hashemite miles that is approximately 81 km./50 miles one way.

One may also shorten the above prayers when one both misses them and makes them up on the trip. However, the worshiper must pray the full number if he/she misses them while not traveling and makes them up on the trip, or misses them on the trip and makes them up while not traveling.

@14.15.2 This distance of 81 km/50 miles one way holds for travel by water as well as by land. If such a distance is traversed in an instant, i.e. supernaturally, because of a miracle (karama, def: w-30), one may still shorten the prayer. The brevity of the time taken to travel the distance is of no consequence.

@14.15.3 No dispensations on recreational outings:

When there are two routes to a destination and one of them is less than the distance that permits shortening the prayers but one chooses the longer route for a legitimate purpose such as safety, convenience, or recreation, (provided that recreation is the reason for taking that route, not the reason for the trip itself, which must have some other legitimate purpose such as trade because an outing is not a legitimate purpose) then one may shorten prayers.

But if the only reason for choosing the longer way is to take the dispensation, then doing so is not valid and one must pray the full number of units of prayer (rak'as).

Purely recreational trips whose purpose is not disobedience are permissible, but there are no travel dispensations in them, though if undertaken in order to gain religious knowledge, to visit a fellow Muslim, or visit the grave of a righteous or learned Muslim (dis: 22.5.8), these, and similar purposes are legitimate and permit the dispensations.

@14.15.4 Destination must be known:

The journey's destination must be known. If a wife travelling with her husband or a soldier with his leader does not know the destination, they may not shorten their prayers as long as they have not yet traveled the distance that permits shortening. After they have traveled the minimum distance they may shorten the prayer. If they know the destination and the journey meets the conditions (14.15.1), then they may shorten their prayers from the beginning of the journey.

@14.15.5 Disobedience on a journey:

Someone whose journey constitutes an act of disobedience, such as a woman travelling against her husband's wishes, may not shorten their prayer but must pray the full number. The same applies to someone who undertakes a legitimate trip and then changes the purpose of it to disobedience. However, the shortening of prayers is permissible for someone who commits an act of disobedience while on a legitimate trip, as when someone travels for trade, but then sins by, for example drinking wine.

@14.15.6 The beginning of the journey:

If one's city has walls, one may begin shortening prayers as soon as one has passed them, whether or not there are other buildings outside them. If there are no walls, one may shorten one's prayers after passing beyond the last buildings, excluding farms, orchards, and cemeteries. When the buildings of a city extend to the next city, one's journey begins at the former's city limits, or at what people commonly acknowledge (14.4.5) to be the edge of town.

A desert dweller may begin shortening prayers when he passes beyond his people's tents. A person living in a valley begins shortening prayers when he has traversed the distance of the valley's width. Someone living on a hill begins when

he comes down from it. A person living in a gorge begins when he climbs up out of it.

@14.15.7 The end of the journey:

When the trip ends one must pray the full number of the units of prayer (rak'as) for each prayer.

A trip ends when one reaches one's hometown. It also ends:

1. by the intention to stay in a place at least 4 full days, not counting the day one arrives or the day one departs;
2. or by staying that long without the intention, so that after one has stayed 4 full days, not counting the days of arrival and departure, one prays the full number of prayer units (rak'as), unless one is staying in a place in order to fulfill a purpose that one expects to accomplish and intends to leave as soon as one does. As long as this is the case, one may shorten one's prayers for up to 18 days. If longer than this, one prays the full number. This holds for both jihad (9.9) and other purposes.

When the worshiper reaches the destination and intends to stay there for a significant amount of time, he/she must pray the full number of the units of prayer (rak'as), but if not as when not intending to stay at all, or intending 3 days or less, then he/she may continue shortening prayers for either 4 days if he/she learns that they cannot accomplish their purpose during them, or 18, if the worshiper can expect his/her purpose to be accomplished at any moment.

@14.15.8 The conditions for shortening the prayer:

The conditions for shortening the prayer while travelling are:

- (a) that the trip is legitimate (14.15.5);
- (b) that it is at least 81 km./50 miles one way;
- (c) that the destination is known (14.15.4);
- (d) that the prayer takes place from start to finish while on the trip. If one's vehicle arrives before the prayer is finished, one prays the full number of units of prayer (rak'a);
- (e) that the intention to shorten the prayer coincide with the opening Allahu Akbar because it is not valid if made after this;
- (f) that no portion of the prayer is performed while following an imam who is praying the full number of rak'as;
- (g) that one is aware of the permissibility of shortening prayers for travel;
- (h) and that the intention is free of things which nullify it, such as vacillation or doubts (dis: below).

One must pray the full number of the units of prayer (rak'as) if:

1. the intention to stay at the place for 4 days occurs during the prayer;
2. one is uncertain whether one's intention was to shorten, but one soon recalls that one did intend it;
3. one vacillates in the intention between shortening the prayer or not doing so;

4. one does not know whether one's imam is shortening or not, though if one does not know the imam's intention, it is valid to intend that if the imam shortens the prayer, one will shorten, and if he prays the full number, one will pray the full number, and then to do this.

@14.15.9 Joining two prayers during a journey:

It is permissible to join the noon prayer (zuhr) and mid-afternoon prayer (`asr) during the time of either of them, or the Friday congregational prayer (jumu'a) and mid-afternoon prayer in the time of the Friday congregational prayer, and permissible to similarly join the sunset prayer (maghrib) and nightfall prayer (`isha) during the time of either, provided one joins them during a journey in which prayer may be shortened (14.15.8 (a,b,c,d)).

If one stops travelling to rest, for example during the time of the first of the two prayers, then this is the best time to join them, but if one is travelling steadily during the first time, the time of the second is better.

@14.15.10 Conditions for joining in the time of the first:

The conditions for joining two prescribed prayers on a trip in the time of the first of them are:

- (a) that the trip continue until one finishes both prayers;
- (b) that the first of the two be prayed first;
- (c) that the intention to join the two prayers occur before finishing the first, either coinciding with the opening Allahu Akbar, or occurring during the prayer;
- (d) and that one not separate the two prayers by waiting between them, though a short interval, meaning one that could contain two brief units of prayer (rak'as) is of no consequence, nor is a brief search for water (dis: e-12.3) by someone who has performed dry ablution (tayammum).

If one prays the second of the two prayers before the first then that prayer is invalid and must be repeated after the first, if one still wants to join them.

One must wait to perform the second of the two prayers until its own time if:

- 1. one finishes the journey before performing the second prayer;
- 2. one neglects to intend joining them during the first prayer;
- 3. one waits at length between them.

@14.15.11 When the journey ends after having joined prayers:

If both prayers have been performed and the journey subsequently ends, regardless whether in the time of the first prayer or the time of the second, they are and remain valid.

@14.15.12 Conditions for joining in the time of the second:

The necessary condition for joining two prayers in the time of the second of them in addition to 14.15.8 (a,b,c,d) is that one makes the intention to do so before the end of the first prayer's time. If one neglects this intention, one has sinned, and

praying the first prayer during the second prayer's time is considered making it up.

@14.15.13 When joining two prayers in the time of the second, it is recommended but not obligatory:

1. to pray the first one before the second;
2. not to pause at length between them;
3. and that the intention to join them be present during the prayer one performs first.

@14.15.14 Joining prayers because of rain:

It is permissible for a non-traveler to pray the noon prayer (zuhr) and the mid-afternoon prayer (‘asr) at the time of the noon prayer, or the Friday congregational prayer (jumu’a) and mid-afternoon prayer at the time of the Friday congregational prayer. Similarly to pray the sunset prayer (maghrib) and nightfall prayer (‘isha) at the time of the sunset prayer if:

- (a) it is raining hard enough to wet one's clothing, this includes melted snow or hail;
- (b) one is praying with a group in a mosque or other place of prayer;
- (c) the mosque is far from one's home, i.e. far by common acknowledgement (14.4.5);
- (d) it is raining when the first prayer begins, when it ends, and when the second prayer begins;
- (e) and conditions 14.15.10 (b,c,d) exist.

@14.15.15 Latecomers to a joined group prayer:

If one arrives during the second of two prayers joined because of rain and does not finish one's own first prayer before the group finishes their second, then one is no longer entitled to join one's prayers for rain. It is a necessary condition that one prays at least part of the second prayer with them though one may hurry through one's own first prayer alone to catch up with and join them during their second.

@14.15.16 Cessation of rain during the second prayer:

If the rain stops after one finishes the two prayers or during the second one, both prayers are and remain valid.

@14.15.17 When it is not permissible to join in the second's time:

It is not permissible to join two prayers in the time of the second of them because of rain.

@14.15.18 Other reasons for joining prayers:

In the Shafi'i school, there are no valid reasons other than travel or rain for joining prayers, though others exist in the Hanbali school, as discussed in what follows.

`Abd al-Rahman Jaziri said that the Hanbalis hold that the above mentioned joining between the noon prayer (zuhr) and mid-afternoon prayer (`asr), or between the sunset prayer (maghrib) and nightfall prayer (`isha) is permissible, whether in the time of the first prayer of each of these two pairs, or in the time of the second prayer of each of them, however, it is superior not to join them. It is a necessary condition for the permissibility of joining them that the person praying is:

1. a traveler on a trip in which shortening prayers is permissible;
2. a sick person for whom not to join prayers would pose a hardship;
3. a woman who is nursing an infant, or who has chronic vaginal discharge (dis: e-13.6), since she is permitted to join prayers to obviate the hardship of purification for every single prayer;
4. someone with an excuse similar to the woman with chronic discharge, such as a person unable to prevent intermittent drops of urine coming from him (e 13.7);
5. or someone who fears for himself, his property, or his reputation, or who fears harm in earning his living if he does not join prayers; the latter giving leeway to workers for whom it is impossible to leave their work. (al-Fiqh `ala al-maThahib al-arba`a (y-66), 1.487)

@14.15.19 Praying the Prophetic practice unit of prayer (rak'as) when one joins prayers:

When the worshiper wants to join the mid-afternoon prayer (`asr) and noon prayer (zuhr) in the time of the noon prayer, he/she first prays the Prophetic practices that come before the noon prayer, followed by the noon prayer, the mid-afternoon prayer, the Prophetic practices that come after the noon prayer, and then the Prophetic practices that come before the mid-afternoon prayer.

Similarly, when the worshiper joins the nightfall prayer (`isha) with the sunset prayer (maghrib), the worshiper prays the Prophetic practices that come before the sunset prayer, and postpones those that follow the sunset prayer until after he/she has prayed the nightfall prayer, after which he/she prays the Prophetic practices that come before and after the nightfall prayer, and then Witr prayer. Their order is Prophetic practice.

@*Chapter 14.16.0: THE PRAYER OF PERIL

@14.16.1 Performed when engaged in permissible fighting:

The prayer of peril may be performed when Muslims are engaged in permissible fighting whether obligatory, as when fighting highwaymen whom the caliph (9.25) is fighting, or permissible, as when fighting someone who is trying to take one's property or that of others.

@14.16.2 How the prayer is to be performed in various circumstances:

When the enemy is not in the direction of prayer (qibla), the imam divides the Muslim force into two groups. One group faces the enemy while the other prays a unit of prayer (rak'a), the group makes the intention to cease following his leadership in the prayer and then finishes their second unit of prayer (rak'a)

alone as individuals while the imam remains standing at the beginning of his second rak`a, reciting the Koran and awaiting the second group.

Then the first group goes to relieve the others in facing the enemy, and the others come and begin their group prayer behind the imam, who is still standing and who remains long enough for the second group to recite Al Fatiha and a short chapter (sura). At the end of this unit of prayer (rak`a) when the imam sits in the witnessing of faith (Tashahhud), the group rises and performs their second rak`a without him while he remains sitting at the end of his second rak`a waiting for them to reach the same point in their own prayer. When they catch up with him, he closes the prayer with the greetings of peace (Salams).

If this prayer is the sunset prayer (maghrib), the first group prays two units of prayer (rak`as) following the imam's lead, and the second group follows him in the third rak`a. If it is a prayer with four rak`as, then each group follows the imam for two rak`as. The imam may also divide the Muslim force into four groups and have each group pray one unit of prayer (rak`a) behind him.

@14.16.3 When the enemy is visible in the direction of prayer (qibla) and the Muslims are numerous, the imam arranges them in two or more rows, opens the group prayer with "Allahu Akbar". After reciting the Fatiha with all of them he bows and straightens up with everyone following his lead. Then he prostrates together with the row nearest him, while the other row remains standing. When the imam and his row stand after their second prostration, the other row performs its own prostrations and rises to catch up with the imam and his row, who have remained standing waiting for them.

In the second rak`a all bow and straighten up together, but when the imam prostrates, the second row, who remained standing on guard before, prostrate with him while the row nearest him remain standing on guard. When those who have prostrated with the imam sit back after their prostration, for the witnessing of faith (Tashahhud) then the row nearest him who have been standing on guard prostrate and catch up with the others in the witnessing of faith (Tashahhud).

@14.16.4 It is recommended to remain armed during the prayer of peril.

@14.16.5 When the peril is great, in actual combat, Muslims may pray walking or riding, facing the direction of prayer (qibla) or not, in a group or singly, and nodding in place of bowing and prostration when they are unable to perform them, nodding more deeply for prostration than for bowing. If forced to strike blow after blow during the prayer, this is permissible. Shouting is not.

@*Chapter 14.17.0: UNLAWFUL CLOTHING AND JEWELRY

@14.17.1 Tight-fitting clothing:

It is offensive for men to wear tight clothing that discloses the size of the parts of their body (14.5.3), and this is also unlawful for women.

@14.17.2 Silk: It is unlawful for men to wear silk or use it in any way, even to line clothing, though it is permissible to use it as padding in a cloak, pillow, or mattress.

@14.17.3 Women may wear silk:

Women may wear and use silk, and it is permissible for a guardian to dress a male child in it before puberty.

@14.17.4 When it is permissible for a man to use silk:

It is permissible for men to use fabric composed partly of silk as long as the weight of the silk is half or less of the weight of the fabric. It is also permissible for men to use fabric embroidered with silk thread where the width of the design does not exceed four fingers. A man's garment may also have a silk fringe, or a silk collar; and he can cover a silk mattress with a sheet or the like and sit on it.

It is also permissible for men to use silk when there is need in severe heat or cold, to clothe their nakedness with it for the prayer when there is nothing else, or to use it when suffering from itching or for protection from lice. Otherwise, the wearing of silk by a male is an enormous sin (8.2.5). Imam Ghazali attributes its prohibition to its effeminacy and softness, which are unbecoming of men.

@14.17.5 Garments affected with filth:

It is permissible to wear a garment affected by something impure (najasa, def: e-14.1) but not for prayer, or other activities requiring purity, provided one is not in a mosque.

As for wearing such a garment in a mosque, one may not, since it is not permissible to carry something impure into the mosque when there is no need, such as having to take one's shoes inside.

It is unlawful to wear leather taken from the carcass of an un-slaughtered animal before tanning, as at (e-14.6) except when there is pressing need, such as in the event of a sudden outbreak of war when there is nothing else and the like.

@14.17.6 Gold for men: It is unlawful for men to wear gold jewelry, even the claws of a ring's setting that hold its stone. Nor may men wear objects painted or plated with gold, though if these tarnish so that the gold is no longer apparent they are permissible.

Unlike silk, there is no difference for the prohibition of gold between small and large amounts.

@14.17.7 Permissible for repairing teeth: It is permissible for men and women to repair teeth with gold.

@14.17.8 Silver rings permissible for men:

It is not unlawful for either sex to wear a silver ring. The Prophetic practice for men to do so on the little finger, of either hand.

Is it not unlawful for men to decorate battle weapons with silver, but not riding gear such as saddles and the like, nor an inkwell, writing utensil case, work knife, penknife, or lamp fixture, even if in a mosque, nor to have silver jewelry other than rings, such as a crown, necklace, armband, bracelet because these resemble the habits of women, for it is unlawful for men to imitate women.

It is not permissible to use silver or gold to embellish the ceiling or walls of a house or mosque even those of the Ka'ba, because it is wasteful, and no one has reported that the early Muslims did so. However, if the amount is so slight that none could be melted off by applying fire, then it may remain. If more than that, then it must be removed.

@14.17.9 It is offensive to use cloth for interior decoration in houses, meaning that if curtains and the like are used for decoration it is offensive, however, there is nothing wrong with using them to screen a room from view. It is offensive to use cloth for shrines at the tombs of the righteous and learned. It is unlawful to decorate walls with images or drawing of living being.

@14.17.10 It is permissible for both men and women to decorate copies of the Koran and to embellish it by writing with silver. It is permissible for women to have copies of the Koran decorated with gold, but this is unlawful for men.

@14.17.11 Gold jewelry is permissible for women:

All gold jewelry is permissible for women, even on shoes and woven into fabric, provided it is not wasteful. But if a woman is wasteful, such as when she has a 720-gram anklet of gold, then it is unlawful since gold is only permitted to women for the sake of beauty, and when gold exceeds what is normal it is repulsive and devoid of beauty. The obligatory charity (zakat) must be paid on such wasteful jewelry as opposed to jewelry that is not wasteful for which no zakat is due (dis: 13.4.4).

@*Chapter 14.18.0: THE FRIDAY CONGREGATIONAL PRAYER (Jumu'a)

@14.18.1 Who must attend:

Attending the Friday congregational prayer is personally obligatory. It is the finest of prayers, and its day, Friday, is the best day of the week. Its integrals and conditions are the same as other prayers (14.9.13-14).

@14.18.2 Anyone obligated to pray the noon prayer (zuhr) is obligated to pray the Friday congregational prayer (jumu'a), except for women and travelers on a journey that is not one of disobedience (14.15.5), even if the journey is less than 81 km/50 miles one way. However, one's departure for the journey must have taken place before dawn on Friday, as described in 14.18.6.

Valid excuses for not attending group prayer (14.12.5), such as illness or taking care of a sick person, excuse one from attending the Friday congregational prayer (jumu`a).

@14.18.3 Eligible Muslims living in a village where there are less than forty men, which is the minimum required for a valid Friday congregational prayer (14.18.7), must go to a larger town for the Friday congregational prayer if, under normal circumstances, the call to prayer (aThan) is audible from the neighboring town on a clear day. Audible means that the call of a man with a loud voice standing in the larger town on the side facing the village could be heard by a man with normal hearing standing on the side of the village facing the town. If such a call would be inaudible, then there is no obligation upon the villagers to go to pray the Friday congregational prayer however, they must pray the noon prayer (zuhr).

@14.18.4 A Muslim present at the mosque who is not obligated to pray the Friday congregational prayer may leave except for the following, who must pray the Friday congregational prayer:

1. someone with an illness for whom waiting for the Friday congregational prayer poses no hardship, provided that he has arrived after its time has begun;
2. someone who is blind;
3. or someone whose excuse is a muddy terrain (dis: 14.12.5).

Those present at the mosque who are not obligated to pray the Friday congregational prayer may choose between performing the Friday congregational prayer and the noon prayer, (zuhr). If they want to perform the noon prayer (zuhr) in a group, as is Prophetic practice, and their excuse from the Friday congregational prayer is not obvious to onlookers, then they should conceal their group prayer rather than that display it because under such circumstances it would be offensive.

If a person is not obligated to perform the Friday congregational prayer, but believes the reason for his excuse may disappear, such as sick person hopeful that he will recover before the prayer ends, then he should postpone his noon prayer (zuhr) until he can no longer hope to attend the Friday congregational prayer. But if one's excuse from the obligation of attending the Friday congregational prayer is not expected to cease, such as being a woman, then it is recommended to pray the noon prayer (zuhr) at the first of its time.

@14.18.5 The noon prayer (zuhr) of someone obligated to perform the Friday congregational prayer is not valid until he has missed the Friday congregational prayer by its having finished without him having attended because:

14.18.6 It is unlawful for someone who is subject for the obligation of the Friday prayer to travel after dawn except

1. If there is a place on his route where the Friday congregational prayer will take place;
2. or he is going to travel with a group of people not obligated to pray the Friday congregational prayer who are about to depart and that by his staying behind would entail harm for him.

@14.18.7 Conditions for the validity of the Friday congregational prayer:

In addition to the usual conditions for the prayer (14.9.13), a valid Friday congregational prayer (jumu'a) also requires:

- (a) that it is a group prayer;
- (b) that it take place during the time of noon prayer(zuhr);
- (c) that it follows two sermons (khutba, def: 14.18.9);
- (d) that its site is located among the dwellings of the community;
- (e) that there is a minimum of forty participants who are male, having reached puberty, are sane, and are local residents, meaning they live there and do not leave except when they need to. The imam is counted as one of the forty. The minimum, according to Abu Hanifa, is three participants besides the imam (al-Lubab fi sharh al-Kitab (y-88), 1.111);
- (f) and that, in places where it is no hardship for everyone to pray at one location, there is no other Friday congregational prayer prior to or simultaneous with it in the opening Allahu Akbar of the prayer (dis: below).

A group performing the Friday congregational prayer must finish it as a noon prayer (zuhr) if:

1. the number of participants diminishes during it to less than forty;
2. if its time ends during the prayer. If the group has doubts before starting the Friday congregational prayer that they will be able to finish it within its time, then they must begin it as a noon prayer (zuhr).

@14.18.8 More than one Friday Prayer in a city:

In places where having everyone assemble in one location is a hardship, as in Cairo or Baghdad, it is valid to hold as many Friday congregational prayers as are needed.

In places where it poses no hardship, such as Mecca or Medina, if two Friday congregational prayers are held, the first of them to open with "Allahu Akbar" is the Friday congregational prayer, and the second is invalid and must be performed again as a noon prayer. If two are held in such a place and it is not clear which was first, they should start over together as one Friday congregational prayer.

@14.18.9 The sermon (Khutba):

The integrals of the sermon (khutba) are five and their order is Prophetic practice. (a), (b), and (c) below are required in each of the two sermons, while (d) may be in either, and (e) must occur in the second:

- (a) saying "al-Hamdu lillah" (praise be to Allah), this particular utterance being obligatory;
- (b) the blessings on the Prophet - may Allah venerate him and give him peace - which is also an obligatory utterance;
- (c) enjoining piety (taqwa), for which a particular expression is not obligatory, it being sufficient to say "Obey Allah". The above integrals (a), (b), and (c) are obligatory in each of the two sermons.
- (d) reciting one verse of the Koran that conveys an intended meaning, such as a promise, threat, exhortation, or similar in at least one of the two sermons;
- (e) and to supplicate for all believers in the second of the two sermons which must be for their Everlasting life, as supplications of this world alone do not fulfill the integral.

Related by two chains of transmission, one ascribing it to Ibn Mas'ud, and the other through him to the Prophet - may Allah venerate him and give him peace. "Praise is truly for Allah. We praise Him, seek His help, and ask His forgiveness. We seek refuge in Allah from the evils of our selves and our bad actions. Whomever Allah guides none can lead astray, and whomever He leads astray has no one to guide him. I bear witness that there is no god except Allah alone, without any partner, and that Muhammad is His worshipper and messenger. May Allah bless him and give him peace, with his family and companions. O you who believe: fear Allah as He should be feared, and do not die other than as Muslims. "O people, fear your Lord who created you from a single soul. From it He created its spouse, and from both of them scattered many men and women. Fear Allah, by whom you ask one another, and (fear) the wombs (lest you sever its relationship). Allah is ever watching over you." (Koran 4.1).

This sermon fulfills conditions (a), (b), (c), and (d) above. After sitting and say, "al-Hamdu lillah," the blessings on the Prophet - may Allah venerate him and give him peace, and enjoins the congregation to fear Allah, and must add a supplication for the Muslims as in (e) above, such as saying, "O Allah, forgive the believers" (Allahumma ghfir lil-mu'minin wal-mu'minat).

@14.18.10 Conditions for a sermon's validity:

The conditions of the two sermons are:

- (a) that the speaker be in a state of purity from minor (e-7) and major (e-10) ritual impurity and from filth (najasa, e-14.1);
- (b) that his nakedness is clothed;
- (c) that the two sermons occur during the noon prayer's time (zuhr) before performing the two rak'as of the Friday congregational prayer;
- (d) that the speaker stands during them, if he is able;
- (e) that he sits down between the two sermons;
- (f) and that his voice is loud enough for the forty required participants (14.18.7) to hear.

@14.18.11 Prophetic practices:

The Prophetic practices of the sermon include:

1. that the speaker stand on a pulpit (minbar) or high place and that it is to the right of the prayer niche (mihrab) and that the speaker stand on the right side of the pulpit;
2. that he says peace be upon you "as-Salamu `alaykum" to those present when he enters the mosque and again when he ascends the pulpit and reaches his seat;
3. that he sit until the muezzin has finished the second (dis: w-28.2) call to prayer (aThan);
4. that when speaking, he lean on a sword, bow, or stick which is in his left hand. It is desirable for him to put his other hand on the pulpit. If he does not have a sword or the like, he keeps his hands still by placing the right upon the left, or dropping them to his sides. He does not move them or fidget with one, as the aim is stillness and humility;
5. and that he face the group during both sermons and not turn to the right or left during them, for it is a reprehensible innovation. It is desirable for the congregation to face the speaker.

@14.18.12 Description of the Friday congregational prayer:

The Friday congregational prayer (jumu`a) consists of two units of prayer (rak`as). It is Prophetic practice for the imam to recite the chapter al-Jumu`a (Koran 62) in the first unit of prayer (rak`a) and the chapter al-Munafiqun (Koran 63) in the second rak`a. It is also reported by Muslim in a hadith that the Prophet - may Allah venerate him and give him peace , sometimes recited the chapter al-A`la (Koran 87) in the first unit of prayer (rak`a) of the Friday congregational prayer and the chapter al-Ghashiya (Koran 88) in the second.

@14.18.13 Latecomers to the prayer:

A latecomer who joins the group prayer in time to bow and remain motionless a moment therein while the imam is still bowing in the second unit of prayer (rak`a) is legally considered to have attended the Friday congregational prayer. However, the latecomer must rise after the imam has finished with greetings of peace (Salams) to pray the unit of prayer (rak`a) he missed.

If the latecomer joins the group after this point, he has missed the Friday congregational prayer, but obligatorily intends performing the Friday congregational prayer anyway and follows the imam. When the imam finishes with the greetings of peace (Salams), the latecomer rises and completes his prayer as a noon prayer (zuhr).

@14.18.14 Recommended measures for those attending the Friday congregational prayer:

It is recommended to take a purifying bath (ghusl) and is offensive not to do so before going to the Friday congregational prayer. The purifying bath may be taken anytime after dawn. If one is unable to bathe, one may perform the dry ablution (tayammum).

It is also recommended to clean the teeth with a toothstick (siwak, def: e-3), trim the nails, remove bodily hair, eliminate offensive odors, wear perfume and one's finest clothes, white being the best, and for the imam to dress better than anyone else.

It is offensive for women who attend the Friday congregational prayer to wear perfume or fine clothes.

It is recommended:

1. to arrive early, which is recommended for everyone except the imam, so as to take a seat and wait for the prayer. The best time being from dawn onward;
2. to come on foot in tranquility and dignity, and not to ride to the mosque unless there is an excuse such as old age, weakness, or being so far from the mosque that the fatigue of walking would obviate one's humility and presence of mind in the prayer;
3. to sit near to the imam;
4. and to invoke Allah (Thikr) both on the way and at the mosque before the sermon, and to recite the Koran and invoke blessings on the Prophet - may Allah venerate him and give him peace.

@14.18.15 Offensive things during the Friday congregational prayer:

When there is no need, it is offensive for anyone except the imam, to step over people to reach a place among them, unless one sees a vacant spot that cannot be otherwise reached.

It is unlawful to make someone sitting in the mosque rise and then sit in his place, however, if someone voluntarily rises it is permissible for another to sit there.

@14.18.16 Offensive to prefer others in acts of worship:

It is offensive to give another person one's place in the front row hear to the imam, or to put others ahead of oneself in performing any act of worship. This is proved by the rigorously authentic (sahih) Prophetic quotation (Hadith), "Some people keep lagging behind until Allah keeps them behind."

As for the saying of Allah: "and prefer them above themselves, even though they themselves have a need." (Koran 59.9). This refers to things that relate to the physical self, such as feeding a hungry person when one needs the food, in which case preferring another to one self is without a doubt desirable.

It is permissible to send someone to the mosque to save a place for oneself by spreading something out such as a rug and no one else may pray on it. However, it is permissible for another to move it aside and sit down in its place.

@14.18.17 Praying etc. during the sermon:

It is offensive, though not unlawful, for someone sitting in the mosque to speak or to rise and perform the prayer while the imam is giving the sermon (khutba).

The more reliable position is that prayer is unlawful during the sermon to the person already sitting in the mosque, as opposed to someone who has just arrived which is discussed below.

A latecomer who arrives when the imam is speaking or seated on the pulpit should pray two brief units of prayer (rak`as) to greet the mosque if the prayer is being held in a mosque. If held elsewhere, the worshiper should intend them as the two units of prayer (rak`as) that are Prophetic practice before the Friday congregational prayer, though if the worshiper has already prayed these at home, he should simply sit down without praying.

It is offensive for a latecomer to simply omit the two units of prayer (rak`as) of greeting the mosque. However, if the worshiper enters the mosque at the end of the imam's sermon and believes that praying them will prevent him from participating in the opening Allahu Akbar with the group he should remain standing until they rise and incorporate his greeting the mosque into the obligatory prayer (dis: 14.10.10).

@14.18.18 Recommended measures on Fridays:

It is recommended to recite the chapter al-Kahf (Koran 18) and invoke blessings on the Prophet – may Allah venerate him and give him peace - on the night before Friday and during its day.

@14.18.19 The moment prayers are answered:

It is recommended to supplicate to Allah as much as possible on Fridays, seeking the moment when prayers are answered.

In a Prophetic quotation (Ahadith) related by Bukhari and Muslim it is reported: "Abdullah, the son of Umar asked me (Abu Burdah), 'Did you hear your father quote anything from the Prophet, may Allah venerate him and give him peace , concerning a special moment during the Friday prayers?' I replied, 'Yes, I heard him say that he heard the Messenger of Allah – may Allah venerate him and give him peace – say, 'That moment occurs between the imam's ascent to the pulpit to the end of the service.'"

@*Chapter 14.19.0: THE PRAYER ON THE TWO EIDS

@ Meaning, `Eid al-Fitr at the end of Ramadan, and `Eid al-Atha on 10 Thul Hijja.

@14.19.1 A confirmed Prophetic practice:

The prayer on the two `Eids is a confirmed Prophetic practice (8.4.1) and is recommended to be prayed in a group.

Its time begins at sunrise, and it is recommended to take place after the sun is a spear's length (14.13.2) above the horizon with the time for its performance continuing until noon.

@14.19.2 It is best to perform the prayer in the mosque if there is room, though if there is insufficient room then it is better to hold it outdoors.

@14.19.3 Recommended measures for the 'Eid prayer:

It is recommended not to eat anything on the morning of 'Eid al-Atha until one has performed the prayer. However, before the prayer on 'Eid al-Fitr one should eat an odd number of dates.

@14.19.4 It is recommended to perform the purifying bath (ghusl) after dawn, even if one does not attend the prayer, though it may be performed from midnight onwards.

It is recommended that men wear perfume, dress well, for young boys to come in their good clothes, and for women who do not attract men's attention to attend, however, they should not wear perfume or fine clothes. It is offensive for a very attractive (dis: 14.12.4) woman to attend [who is married, unless she covers her face and put a second cover on her head, while unmarried women should dress up so they may get married].

It is Prophetic practice:

1. to come early on foot after the dawn prayer (subh);
2. to return home by a different route;
3. for the imam to delay his arrival until the time of the prayer;
4. and to call the people to prayer with the words "The prayer is gathering," as one also does for the eclipse prayer (14.20) and the drought prayer (14.21).

@14.19.5 Description of the 'Eid prayer:

The 'Eid prayer consists of two units of prayer (rak'as).

In addition to the opening "Allahu Akbar" (Allah is the Greatest), one says "Allahu Akbar" seven times in the first unit of prayer (rak'a) after the opening supplication (Istiftah, def: 14.8.13) and before saying "I seek refuge from the stoned and cursed shaytan. In the second unit of prayer Allahu Akbar is said five times, not counting the Allahu Akbar for rising from prostration, before saying the Ta'awwuTh.

Each time one says "Allahu Akbar" the hands are raised then lowered after each pronouncement (14.8.12). Between each "Allahu Akbar", the worshiper places his/her right hand over the left and invokes Allah to oneself, saying, "Exalted is Allah, praise be to Allah, there is no god except Allah, Allah is the Greatest, then the worshiper invokes Allah, the Most High.

Missing or adding repetitions of "Allahu Akbar" does not necessitate a forgetfulness prostration at the end of one's prayer. If one forgets them and proceeds directly to the Ta'awwuTh the worshiper does not return to them.

@14.19.6 It is recommended to recite the chapter Qaf (Koran 50) in the first unit of prayer (rak`a) and the chapter al-Qamar (Koran 54) in the second. Or if one wishes, one may recite the chapter al-A`la (Koran 87) in the first unit of prayer (rak`a) and the chapter al-Ghashiya (Koran 88) in the second. Another option is to recite the chapter al-Kafirun (Koran 109) in the first rak`a and the chapter al-Ikhlâs (Koran 112) in the second.

@14.19.7 After the two units of prayer (rak`as), the imam gives two sermons (khutba) like those of the Friday congregational prayer in the integrals (14.18.9) but not conditions which are to be excluded from c,d,e of 14.18.10.

It is recommended to open the first sermon by saying "Allahu Akbar" nine times and to open the second by saying it seven times. It is permissible for the imam to sit during the sermons.

@14.19.8 Saying "Allah is the Greatest" (Allahu Akbar) on the days of Eid: There are two types of "Allahu Akbar" that are either unrestricted or restricted.

"Unrestricted", meaning those not confined to a particular circumstance but rather recited in mosques, homes, and the street, are Prophetic practice to recite from sunset on the night before each `Eid until the imam commences the `Eid prayer when he begins with the opening pronouncement of "Allahu Akbar".

"Restricted", meaning those recited after the obligatory or non-obligatory prayers. They are Prophetic practice for `Eid al-ATha only, from the noon prayer (zuhr) on the day of `Eid until the dawn prayer (Subh) on the last of the three days that follow it, which is the fourth day of the `Eid. The more reliable position is that the time for them begins from dawn of the Day of `Arafa, that is 9th Thul Hijja, and ends at the mid-afternoon prayer (`asr) on the last of the three days that follow `Eid al-ATha.

The silent remembrance of "Allahu Akbar" is recited by both men and women, by non-travelers or travelers alike, and whether the worshiper is praying by his/herself, or in a group after the current prescribed prayers or making up prescribed prayers missed during the `Eid or before, and after prayers performed to fulfill a vow, funeral prayers (janaza), and Voluntary prayers. If one misses a prayer during the `Eid but does not make it up until after the `Eid, then one does not recite "Allahu Akbar" after it.

The worshiper says, "Allahu Akbar" three times then "there is no god except Allah. This is followed by saying Allahu Akbar twice then praise be to Allah".

It is commendable to add, as people are accustomed to. "Allah is ever greatest, praise be to Allah. Exaltations be to Him in the morning and evening. There is no god except Allah. Him alone we worship, making our religion sincerely His though the unbelievers be averse. There is no god except Allah alone. He fulfilled His promise, gave victory to His worshipper, strengthened His army, and vanquished Confederates alone. There is no god except Allah. Allah is ever greatest".

@14.19.9 It is recommended to say "Allahu Akbar" on the first ten days of Thul Hijja whenever one sees livestock.

@*Chapter 14.20.0: THE ECLIPSE PRAYER

@ Eclipse refers to both that of the moon and sun.

@14.20.1 A confirmed Prophetic practice:

The eclipse prayer is a confirmed Prophetic practice (8.4.1).

@14.20.2 Like the drought prayer, the eclipse prayer has no call to prayer (aThan) other than that mentioned at 14.19.4.

@14.20.3 The eclipse prayer is recommended to be performed in a group at the mosque.

It is recommended for women without attractive figures to attend.

@14.20.4 Description of the eclipse prayer:

The eclipse prayer consists of two units of prayer (rak'as).

The minimum is:

(a) to open with "Allahu Akbar";

(b) to recite the Opener chapter, Al Fatiha;

(c) to bow;

(d) to straighten up;

(e) to recite the Fatiha again;

(f) to bow again;

(g) to straighten up and remain motionless a moment;

(h) and to prostrate, then sit up, and then prostrate again.

This is one rak'a. in which the worshiper stands twice, recites Al Fatiha twice, and bows twice.

The second unit of prayer (rak'a) is prayed in the same manner.

It is not permissible to lengthen the amount of time one stands or bows because the eclipse has not yet passed, or to shorten the units of prayer (rak'as) to less than the above on account of the eclipse having passed.

@14.20.5 Desirable:

The desirable way is that after reciting the opening supplication (Isiftah, de: 14.8.13), the Ta'awwuTh (14.8.16), and Al Fatiha, the worshiper:

(a) recites the chapter Al-Baqara (Koran 2) for the first Koran recital;

(b) recites the chapter Al 'Imran (Koran 3) after the second recitation of Al Fatiha in the first rak'a;

(c) In the second rak'a recite the chapter Al-Nisa (Koran 4) for the third recital;

(d) and recite the chapter al-Ma'ida (Koran 5) for the fourth recital.

Or, one may recite comparable amounts of the Koran in place of the above chapters (suras). Then the worshiper bows and says "Subhana Rabbiya al-'ATHim' meaning "Exalted is my Lord, the Most Great" after the first of the four Koran recitals for a period equal to reciting one hundred verses of Al-Baqara, which is approximately for 20 minutes. Following the second recital the worshiper recites it for the length of eighty of the verses of Al Baqara; then after the third for the length of seventy verses; and after the fourth for the length of fifty verses. The other parts of the eclipse prayer are the same as other prayers.

@14.20.6 Sermon afterwards:

After praying, it is recommended that the imam give two sermons like those of the Friday congregational prayer except that here the sermons follow the prayer.

@14.20.7 Time:

One may no longer perform the eclipse prayer if he/she has not yet begun it when the eclipse passes, when the sun sets while still eclipsed, or when the sun rises while the moon is still eclipsed. But if one has begun the prayer and the eclipse passes or the sun sets while still in eclipse, one nevertheless completes the prayer.

@*Chapter 14.21.0: THE DROUGHT PRAYER

@14.21.1 A confirmed Prophetic practice:

The drought prayer is a confirmed Prophetic practice (8.4.1) even for someone travelling, or praying alone, and is recommended to be prayed in a group.

@14.21.2 When it is performed etc:

When the land is parched or the water supply is cut off or diminished, the imam warns people against their wrongdoing and orders them to repent, and give charity because this aides the acceptance of prayers. He tells them that they should settle their differences with their enemies, if the enmity is not for the sake of Allah, and fast for three consecutive days – before going out for the prayer- which, if the caliph orders them to do, becomes obligatory.

On the fourth day while still fasting, the people come out to an empty expanse in their work clothes, accompanied by those of the women who do not have attractive figures (dis:14.12.4) [unless will covered) together with their livestock, elderly men and women, infants and small children, the pious, and the Prophetic descendants - may Allah venerate him and give him peace , and supplicate to Allah for rain because of those present are by virtue of their spiritual grace

(baraka). Each mentions to himself the good works he has done and intercedes on account of their doing.

Non-Muslim subjects of the Islamic state who attend are not hindered from doing so, but may not mix with Muslims.

@14.21.3 Description of the drought prayer:

The drought prayer consists of two units of prayer (rak'as) like those of the 'Eid (14.19.5).

The imam then gives two sermons like those of the `Eid, except that in place of each Allahu Akbar (14.19.7), the imam says, "I ask forgiveness of Allah the most Great, there is no god except He, the Living, the Ever Subsistent, and I turn to Him in repentance."

During the sermons, the imam frequently asks for the forgiveness of Allah (istighfar), and praises the Prophet - may Allah venerate him and give him peace, supplicates Allah, and recites the verses, "Ask for the forgiveness of your Lord," I said. "Surely, He is the Forgiver. He will let loose the sky upon you in abundance and give to you wealth and sons, and provide you with gardens and rivers." (Koran 71.10-12).

About a third of the way through the second sermon, the imam turns toward the direction of prayer (qibla) and switches his cloak around, putting the right side of it on his left and vice versa.

It is also Prophetic practice to turn it upside down. Both Prophetic practices can be effected by putting the lower left corner on the right shoulder, and lower right corner on the left shoulder, and the people do likewise. The wisdom therein is the favorable portent of a change of state.

The imam should supplicate to his utmost, both to himself and aloud. Those present raise their hands with the backs of the hands up. The Prophetic practice supplication is, "O Allah, send us rain, raining wholesome, healthily, torrential, widespread, pouring, in sheets, drenching, continuously till the day of judgment. O Allah, give us rain and make us not of those who despair. Allah, Your worshippers and cities are in distress, hunger, and want, and there is none to ask none except You for relief. O Allah, make the crops grow and the milk of the livestock flow, and send down the sky's blessings upon us and bring forth for us the blessings of the earth. Raise from us the affliction that none but You can lift."

In the event that the people pray but are not given any rain, they should repeat the prayer until it is given. If they prepare for the prayer but are given rain before the prayer, they pray in thanks and ask for more.

@14.21.4 Various Prophetic practices (Prophetic practice):

It is recommended for those whose land is flourishing to supplicate after prayers for those whose land is parched. The minimum is to make a supplication, while the optimum is to take the above measures of performing the two units of prayer (rak'as) with the two sermons, the supplications, and asking for forgiveness.

@14.21.5 At the first rainfall of the year:

At the first rainfall of the year, it is recommended to uncover part of the body for the rain to strike.

@14.21.6 When thunder and lightening occur:

It is recommended to glorify Allah when thunder is heard saying, "Glory to Him, the thunder and the angels glorify, in awe of Him," and when lightening is seen by saying, "Glory to Him who shows us the lightening that we may have fear and hope".

@14.21.7 When there is too much rain:

If it rains so much that harm is feared, it is recommended to supplicate, "O Allah, around us and not upon us. O Allah upon the hills and bluffs, the valley floors and copses of trees."

@*BOOK 15: FASTING

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@*Chapter 15.1.0: FASTING RAMADAN

@ Allah, the Most High says:

“Believers, fasting is decreed for you as it was decreed for those before you...”

(Koran 2.183)

Ramadan, the month of the Fast is the best of months, and it is one of the distinctive characteristics of this Nation (Umma).

Fasting the month of Ramadan is by scholarly consensus one of the Pillars of Islam (5.2).

Bukhari and Muslim relate that the Prophet - may Allah venerate him and give him peace - said, “Islam is based on five principles; bearing witness that there is no god except Allah, and that Muhammad is the Messenger of Allah. Establishing the prayer. Payment of the obligatory charity. Pilgrimage to the House of Allah and fasting the month of Ramadan.”

@15.1.1 Who must fast the month of Ramadan

Fasting Ramadan is obligatory for:

- (a) every Muslim, male or female who,
- (b) has reached puberty;
- (c) is sane;
- (d) is capable of bearing the fast;
- (e) and if female, if she is not in the period of menstruation or postnatal bleeding (nifas).

@15.1.2 Those not obligated to fast Ramadan

The following are not required to fast:

1. a non-Muslim
2. a child;
3. someone who is insane;
4. or someone for whom fasting exhausts because of advanced years or having an illness from which they are unlikely to recover.

There is no obligation for the above four to fast or to make up missed days of the fast. However, there is an obligation upon those described in category 4 to give 0.51 liters of food (13.7.6 (A)) for each day missed during Ramadan. If the person is genuinely financially stressed and cannot afford to give the food then that person should ask Allah to forgive him.

@15.1.3 Those not obligated to fast during the month of Ramadan but must make up for their lost days later

The following are not required to fast, although there is an obligation upon them to make up for each of the fast-days they missed later on:

1. those who are sick and fasting would either worsen the condition, delay recovery, or cause considerable harm to the sick person. The same exemption applies to someone who needs to take medicine during the day and thereby breaks the fast because the medicine cannot be delayed until night-fall.
2. those who are travelling (def:15.1.7);
3. an apostate, a person who has left Islam (murtadd, def:9.8);
4. or a woman who is menstruating or has postnatal bleeding.

If the sick person or traveler decide they are able to fast, the fast is valid. However, the fast of an apostate, or a menstruating woman, or a woman with postnatal bleeding is not valid.

When a non-Muslim converts to Islam during a day during Ramadan, it is recommended that he fast for the rest of that day, but it is not obligatory as that day can be made up for after Ramadan. The same conditions apply to a person who regains his sanity, or a child who reaches the age of puberty during this time. However, a child who was not obliged to fast the month of Ramadan but was fasting and reached the age of puberty during the day he was fasting is obligated to continue his voluntary fast and make up for the obligated day after the Eid of Ramadan.

A woman whose menstrual period ends during a day of Ramadan is recommended to fast the rest of the day. There is an obligation upon her to make up that day together with the other days she missed on account of her menstrual period after the Eid of Ramadan, the same conditions apply to women whose postnatal bleeding terminates during Ramadan.

@15.1.4 When the start Ramadan becomes known after dawn

When there is uncertainty that the new moon heralding the start of Ramadan has been sighted, and then a witness testifies that it has indeed been sighted, it is obligatory to fast the rest of that day and make up for it at a later date.

@15.1.5 At what age a child fasts

A child of seven is ordered to fast, and at ten, if he does not fast then he is disciplinary smacked for not fasting.

@15.1.6 Circumstances in which excessive hunger and thirst permits one not to fast

Excessive hunger or thirst, meaning that which is likely to cause death or illness, or worsen an illness are legitimate excuses not to fast. In these given circumstances, even if one has already begun to fast, as soon as it becomes a hardship one may break the fast.

@15.1.7 Conditions under which travel permits one not to fast

It is permissible not to fast when traveling, even when the intention to fast has been made the night before, provided that the journey is at least 81 km./50 miles one way, and that one leaves town (def:14.15.6) before dawn.

If one leaves after dawn, one is not entitled to defer the fast. It is preferable for travelers not to fast if it would cause them harm, though if not, then fasting is better.

@15.1.8 Pregnant women or nursing an infant

A woman who is breast-feeding a baby, or is pregnant and fears harm to herself or her child may defer the fast and make it up later. However, if she defers the fast because of fear of harm for the child alone, and not herself, then she must give 0.51 liters of food (def:13.7.6 in charity for each day missed, as an expiation in addition to making up each day.

@15.1.9 Sighting the New Moon

Islam follows the lunar calendar, which is more accurate than that of the solar calendar. In Islam, the 24 hours starts at sunset and is followed by night then dawn, which heralds the arrival of the day. The end of the day (i.e. the end of the 24 hour period) is at sunset.

Fasting Ramadan is only obligatory when the new moon of Ramadan is sighted. It becomes obligatory when the sighting is established by the testimony of an upright, knowledgeable witness (def:9.24.4).

If the sky is too overcast for the new moon to be seen, then the preceding lunar month of Sha'ban is presumed to have lasted for thirty days, after which Muslims begin fasting Ramadan.

If the new moon is sighted during the day before noon on the last of the thirty days of Sha'ban, it is considered as belonging to the following night.

If the moon is seen in one city but not another, then if the two are close, that is in the same region, the ruling that the new month has arrived holds for both. But if the two cities are not close, then the people far from the city where it was seen are not obligated to fast the following day, "not close" meaning in different regions, such as the Hijaz, Iraq, and Egypt. [honoring the distance to let two people fast on two different days was enforced when the news was poor to travel when the fastest was a horse and or camel. Now it is obligatory on the whole body of Muslims on earth to unite in the starting and ending of fasting and for the beginning of pilgrimage (Hajj) since there is only one 24 hour cycle covering the whole earth, the only exception is when the moon (crescent) is seen in one place while the sun already has risen in another place, then the habitants of such place have to follow the fasting on the second day. Muhaddith Ahmad bin Siddique Al-Ghumari wrote a full volume to prove this unity of Muslims. I might add how shameful the Muslim Students Associations, ISNA and ICNA etc in the USA continuously having their own pilgrimage eid day differently from the day the pilgrims themselves in Mecca enjoy. This can easily be called a modern time of ignorance]

@15.1.10 Testimony of a single witness

The testimony of a single adult male witness who is an upright Muslim and is responsible for the duties of Islam, is sufficient to establish that the month of Ramadan has arrived, (def. 9.24.4). This classification excludes boys who have reached the age of discernment but not puberty.

@15.1.11 Astronomical calculations of the arrival of Ramadan

If a person knows through calculations of lunar movements or the positions of the stars that the next day is Ramadan, fasting neither for himself or the public is obligatory, however it is permissible for him alone.

@15.1.12 Difficulty determining the month

If it is difficult to determine which month it is, due to circumstances such as imprisonment, being held in a dark place where one is unable to distinguish night from day, or someone who is unable to determine whether or not Ramadan has arrived because the land in which he is, is without habitation or people who know

whether or not Ramadan has arrived, then it becomes obligatory upon that person to reckon on its arrival as best as he can and fast.

In such circumstances or similar, a fast is valid if it remains unknown as to whether the month fasted actually coincided with Ramadan, or if it did coincide with it, or if the month fasted occurred after it, however, if the month fasted was before Ramadan, it is not valid.

@15.1.13 Conditions of a valid fast

The conditions of a valid fast are:

- (a) the intention;
- (b) and refraining from things which break the fast.

@15.1.14 Intention for obligatory fasts

One must make the intention to fast for each day one fasts. If the intended fast is obligatory, then the intention must:

- (a) be specific as to the fast being for Ramadan, a vow, an expiation, or whatever;
- (b) it is to be made in the night prior to dawn. For Hanafis, the intention for a day of Ramadan, but not a make up, is valid if made before midway between true dawn and sunset of the day itself (al-Hadiyya al-'Ala'iyya (y-4), 171).

The desirable way is to intend in one's heart to fast the following day as a current performance of the obligation of Ramadan in the present year for Allah, the Most High. This is considered to be integral, however, scholars differ concerning the obligatoriness of intending it as a current performance, an obligation, or for Allah, the Most High.

@15.1.15 Intention to fast Ramadan

One's intention is valid if on the night before a day of uncertainty as to whether it will be the first day of Ramadan, when someone trusted, but does not have all the qualifications of an acceptable witness (def:15.1.10) informs one of having seen the new moon, and, relying upon this information one intends to fast the next day to fulfill the obligation of Ramadan, and the next day is in fact Ramadan.

One's fast is not valid if one makes the intention without anyone having informed one of sighting the new moon, no matter whether one's intention is firm or undecided. For example, if one makes the intention that if the following day is Ramadan one will fast, but if otherwise not the fast is not valid.

@15.1.16 One's fast is valid if, on the night that might be the last night of Ramadan, but could also be the beginning of the new lunar month, one intends that if the following day is of Ramadan, one will fast, but if not, one will not, and that day is in fact the last day of Ramadan. (dis:e-7.6

@15.1.17 Intention for non-obligatory fasts 15.1.17

Non-obligatory fasts are valid by making the intention to fast before noon without needing to specify the type of fast.

@15.1.18 Things that invalidate the fast

Each of the following things invalidate an obligatory day's fast when one knows they are unlawful, remembers them when fasting but does them deliberately anyway. If one should invalidate one's fast by any of these means then one is obligated to complete the day's fast and fast again at a later date to make up for the lost day of fasting:

1. eating;
2. drinking and smoking although if there is smoke in the air and one inhales it unintentionally the fast is not invalid;
3. sniffing snuff or other substances;
4. suppositories, vaginal or anal;
5. pouring water, oil, or other into the ears until it reaches the eardrum;
6. inserting a finger or something else into the anus or vagina further than the area disclosed when one squats to relieve oneself;
7. anything that enters the body cavity, including being stabbed by a knife, medicine though intramuscular or intravenous injections of medicine do not break one's fast;
8. vomiting when self induced when it is preventable. However, if nausea overcomes one, vomiting does not break one's fast;
9. sexual intercourse if deliberate, even if there is no orgasm, or orgasm from stroking a non-genital region or from masturbation no matter whether such orgasm is produced by unlawful means, like one's own hand (dis:w-37), or whether by lawful means, such as the hand of one's wife;
10. using so much water to rinse out the nose and mouth that some is swallowed and reaches the stomach. However, if only a little water is used and it slips down, it does not break the fast, nor does it harm to swallow one's saliva after rising the mouth, even if one is able to expectorate it;
11. swallowing saliva that has left the mouth, such as when threading a needle and one moistens the end of the thread, and then re-moistens it, swallowing some of the saliva that the thread had been previously wetted with;
12. swallowing saliva that has been qualitatively altered, such as when threading a needle and one wets the end, and some dye from the thread remains in the mouth and is swallowed. People who use toothpaste should take care to eliminate it from the mouth before dawn on fast-days;
13. swallowing saliva that has been made impure by contact with filth (najasa), such as when one's mouth is bloodied and one spits out the saliva until it is clear and colorless, but neglects to wash one's mouth out before swallowing the saliva. This is because the mouth is still affected by impurity and water is necessary to purify it, as at e-14.10);
14. allowing phlegm or mucus at the back of the mouth to be swallowed when one could have spit them out. In the Hanafi school this does not break the fast, even if intentional (al-Hadiyya al-'Ala'yya (y-4), 180);
15. or to continue making love, even for a moment, after dawn has arrived.

@15.1.19 Criterion for things that invalidate the fast

The criterion as to whether something invalidates the fast is:

1. a substance, even if not much, that reaches the body cavity through an open passageway, excluding odors, such things absorbed through one's pores. The deliberate introduction of anything other than air or saliva into the body cavity breaks the fast, though if the person fasting does so absentmindedly or under compulsion, the fast is not broken;
2. sexual intercourse, meaning inserting the head of the penis into the vagina;
3. or orgasm, whether as the result of touching, such as kissing, contact, lying between the thighs, or something else, or because of masturbation;

-provided that one is aware that these acts are unlawful and that one remembers one is fasting.

@15.1.20: Expiation for the breaking of a fast-day necessitated on account of having sexual intercourse

In addition to the obligation of making up the fast, an expiation is obligatory for fast-days of Ramadan that are deliberately broken on account of having sexual intercourse. If one engaged in sexual intercourse only on one of the fast days but had sexual intercourse on that day more than once, one is only obligated to make up for that day. However, if one had sexual intercourse on different days, then each day must be made up for separately.

In addition to the make up day/s one must free a healthy slave (dis: 16.32), or if this is not possible the fast the days of two consecutive months. If it is not possible, then the expiation is to feed sixty poor people with 0.51 liters of food (13.7.6 for each day. If one is unable to do this, the expiation remains as an unperformed obligation upon the person concerned,

In this school of jurisprudence this means of expiation applies just to sexual intercourse, however, in the Hanafi school it also applies for other breakages of the fast.

The woman who is made love to is not obligated to make an expiation.

@15.1.21 Things that do not break the fast

When something is done absentmindedly, that is one forgets one is fasting, or does something which is unlawful through ignorance, or under coercion the fast remains valid.

The fast is not broken through:

1. involuntary vomiting;
2. having a wet dream, or orgasm as a result of thinking or looking at something, unless the latter two usually cause an orgasm, in which case one's fast is broken on account of not avoiding them;

3. a little water reaching the body cavity as a result of rinsing out the mouth or nose, provided not much (14.4.5) water was used;
4. saliva carrying down some food particles from between one's teeth, provided this is after having cleaned between them after eating, by using a toothpick or the like between them, and provided one is unable to spit them out;
5. gathering saliva in the mouth and swallowing it, bringing saliva as far forward as the tongue (but not to the lips and then swallowing it), or coughing up phlegm from the throat and spitting it out;
6. the arrival of dawn when there is food in one's mouth which one spits out;
7. the arrival of dawn when one is lovemaking and one immediately disengages;
8. or when one sleeps all day or has lost consciousness, provided one regains consciousness for at least a moment of the day.

@15.1.22 Eating or drinking when uncertain of the onset of dawn or sunset
Making up the fast-day is obligatory if one eats, thinking it is still night but finds out that it is day, or breaks the fast thinking, but however is uncertain, whether or not the sun has set. The verdict for the latter remains unresolved (dis:e-7.6).

It is not obligatory to make up a fast-day on which one ate thinking that dawn had not yet come, and the question as to what the case was remains unresolved since the initial certainty was that it was night.

@15.1.23 Involuntary acts that invalidate the fast

A fast-day is invalidated by;

1. insanity, even for a moment;
2. being unconscious the entire day;
3. or the appearance of menstruation or postnatal bleeding

There is no obligation upon a person who is insane to make up a lost day, whereas it is obligatory for the others.

@15.1.24 Recommended measures while fasting

A predawn meal is recommended, even if it is minimal or consists of water alone. It is best to delay it to just before dawn, as long as one does not fear the onset of dawn while eating. If one does not know when dawn is expected, the meal should not be delayed.

@15.1.25 Breaking the fast at sunset

It is best to hasten the breaking of the fast when one is certain that the sun has set. One should break it with an odd number of dates, though if one has none, water is best. It is recommended to say after doing so, "O Allah, for You I fasted, and upon Your bounty I have broken the fast." [Then pray the after-sunset prayer, then eat his food]

@15.1.26 Other recommended measures

During Ramadan it is recommended:

1. to be especially generous in giving charity;
2. to improve one's relations with family and relatives;
3. to recite the Koran a lot;
4. to spend periods of spiritual retreat (i'tikaf, def:13) in the mosque, especially during the last ten days of Ramadan;
5. to break the fast of others after sunset, even if only with water. Prophet Muhammad – may Allah venerate him and give him peace – said:
“Whosoever provides for the breaking of the fast of another earns the same merit as the one who was fasting without diminishing in any way the recompense of the fasting person.”
6. when in a state of major ritual impurity (janaba), to perform the purifying bath (ghusl) before dawn.

@15.1.27 Recommended things to be avoided 15.1.27

It is recommended to avoid:

1. slander (4.2.2), lying, and foul language, which are always unlawful, but even worse during the fast of Ramadan;
2. the pleasure of the senses that do not break the fast, such as smelling fragrant plants or looking at them, because of the pleasure gained from them which is incompatible with the wisdom of the fast, even though they are permissible when not fasting. It is not recommended to use perfume during a fast-day, but there is no harm in using it after breaking the fast.;
3. and medicinal bloodletting, or blood donating, or cupping as these, like the fast, weaken a person and could contribute to greater weakness.

In the event that someone is abusive while one is fasting; one should say to him, "I am fasting"

@15.1.28 Things that are unlawful or offensive while fasting

It is unlawful to engage in a sexually arousing kiss, embrace or petting.

@15.1.29 It is unlawful not to eat or drink anything (wisal) between fast-days, though it is not unlawful if one has some water, even a mouthful, before dawn.

@15.1.30 It is offensive during the fast to taste food, or to use a toothstick (e-3) after noon.

@15.1.31 It is offensive during the fast to line the eyes with kohl (def:e-4.1(4)) or to bathe.

@15.1.32 Offensiveness of maintaining continual silence

It is offensive (dis:w-38) for anyone, regardless whether they are fasting or not, to remain silent during the day up until night when there is no need. However, one should restrain one's tongue from useless talk (dis:4.1.1).

@15.1.33 Making up missed fast-days of Ramadan

Someone who is obligated to make up the lost fast-days of Ramadan is recommended to do so consecutively and immediately after the Eid.

It is not permissible for a person with some postponed fast-days of Ramadan to delay making them up until the next Ramadan unless there is an excuse for the delay.

If one delays until the next Ramadan, one must give 0.51 liters of food (13.7.6 to the poor for each missed fast-day, in addition to making it up.

If making up a fast-day is delayed until the arrival of the next Ramadan, i.e. the 2nd Ramadan after the missed fast-day/s, then one must pay double the amount of food for each day, and so forth for every year thereafter. However, if one's excuse for its non-performance persists, such as illness or travel, then it is permissible for one to delay making them up as long as the excuse is present, even it lasts for years. When such cases exist there is no obligation to pay the penalty fee for the delay even if several Ramadans pass, the only obligation is to make up for the missed fast-days.

If someone dies without fulfilling the lost fast-days that could have been fasted but were not, then each lost fast-day is to be paid for by the responsible family member with 0.51 liters of food, or he can fast for him instead of paying for the day/s.

The responsible relative of those who die and have not made up for the lost fast-days and two Ramadans are obligated to expiate the deceased. The expiation is made with either the payment of a double quantity of food for each day, or the responsible family member may fast a day and pay 0.51 liters of food for each lost day. However, he cannot double the fast-days and not pay the 0.51 of food because its payment is obligatory.

There is no obligation to make up for someone who died before if his excuse ceased to exist.

@*Chapter 15.2.0: VOLUNTARY FASTING

@15.2.1 Days on which fasting is recommended

It is recommended to fast:

1. on the six days consecutive days immediately following Eid al-Fitr in the month of Shawwal. However, it is permissible to fast the days non-consecutively;
2. on 9th and 10th Muharram;
3. on the full moon (lit. "white") days of every lunar month, which are the thirteenth and the two days that follow it;
4. on Mondays and Thursdays;
5. on the first nine days of Thul Hijja;
6. during the inviolable months, which are four: Thul Qa'da, Thul Hijja, Muharram, and Rajab;

7. and on every other day because such a fast is described by the Prophet - may Allah venerate him and give him peace - as "the most beloved fast to Allah" (Riyad al-salihin (y-107), 466).

The best fast-days, after Ramadan, are those of Muharram, then Rajab, then Sha'ban. In general, the best month for fasting, after Ramadan and the inviolable months, is Sha'ban. There is no objection to the voluntary fasting an entire month or just part of a month.

It is recommended to fast on the Day of `Arafa which is 9th Thul Hijja, unless one is a pilgrim present at `Arafa (def:21.8), when it is better not to fast. It is not offensive for such a person to fast, though it is better for him to refrain.

@15.2.2 Fasts that are offensive or unlawful

It is offensive to fast every day of the year if it causes harm to oneself or causes one not to do something that one should. If this is not the cause it is not offensive.

It is unlawful to fast on the days of the two Eid al-Fitr and the three days that follow `Eid al-Atha.

@15.2.3 It is unlawful and not valid to fast, no matter whether it is voluntarily, or done as a vow, or as a make up on the two `Eids or the three days following `Eid al-Atha.

@15.2.4 It is also unlawful and invalid to fast on a day of uncertainty. If someone who is not qualified as a witness (def:15.1.10) mentions he has seen the new moon of Ramadan, when one thought that there was a possibility that the month of Sha'ban had not run its full course, then this is classified as a day of uncertainty and therefore it is both unlawful and invalid to fast that day. If this is not the case then it is not considered to be an uncertain day.

Fasting on a day of uncertainty is not valid as a day of Ramadan, though it can validly fulfill a vow or a make up fast.

Voluntary fasting on such a day is only valid when:

1. one would have fasted anyway because it falls on a day one habitually fasts,
2. when one has been fasting each day since before mid-Sha'ban.

It is unlawful to fast during the days after mid Sha'ban unless:

1. it is one's habit, i.e. fasting on a Monday or Thursday etc;
2. one has been fasting each day before mid-Sha'ban

@15.2.5 Singling out Fridays to fast

Nawawi, with a commentary by Muhammad Shirbini Khatib, said: "It is offensive to single out Fridays or Saturdays for fasting, Shirbini added Sundays, unless it is one's habit. Whereas, it is not offensive if the fast of someone who usually fasts alternate days and whose fast coincides with one of these days or with a day of uncertainty. This is because of the Prophetic quotation (Hadith) related by Muslim, "Neither select the night prior to Friday morning with a special voluntary prayer nor the day of Friday specially for fasting unless it is that it occurs among the fasts that one you observed."

@15.2.6 Interrupting a fast or prayer one has begun

Once begun, it is unlawful to interrupt either an obligatory fast-day or an obligatory prayer. This applies when it is current, a make up, vowed, however not if it is non-obligatory in which case it can be interrupted but it is offensive to do so if there is no excuse.

@*Chapter 15.3.0: SPIRITUAL RETREAT (I'tikaf)

@15.3.1 Prophetic practice to retreat

It is Prophetic practice, at any time, to make spiritual retreat (i'tikaf) in the mosque.

@15.3.2 Laylat al-Qadr – the Night of Honor

Spiritual retreat (i'tikaf) is especially recommended in Ramadan, particularly during its last ten days when one seeks the Night of Honor,. Laylat al-Qadr of which Allah, the Most High says,

"The Night of Honor is better than a thousand months" (Koran 97.3).

This means that spiritual works during this time are better than that of a thousand months.

Indicating its excellence, the Prophet - may Allah venerate him and give him peace - said, "Whosoever offers the voluntary prayer during the Night of Honor out of belief and charging Allah for its recompense will have his past sins forgiven."

The Night of Honor most likely occurs during the last ten nights of Ramadan, and is most probable on the odd numbered nights – the Islamic night precedes the day. The most likeliest of the special nights falls are those the 21st, 23rd or 27th, with most scholars being of the opinion that it is the 27th.

The Prophet - may Allah venerate him and give him peace – when told of visions of several companions said:

"I see that your visions all agree upon the last seven nights of Ramadan." Then he said, "Whosoever seeks the Night of Honor should look for it among the last seven nights of Ramadan."

On the Night of Honor it is recommended to frequently repeat, "O Allah, You are oft-relenting and love to forgive, so forgive me."

@15.3.3 How to perform a spiritual retreat

At minimum, a spiritual retreat (i'tikaf) consists of:

- (a) staying, with the intention of spiritual retreat, for more than the least amount of time that can be considered repose (A: i.e. a moment);
- (b) while being Muslim, sane, conscious, and free of major ritual impurity i.e. of menstruation, postnatal bleeding, and major impurity (janaba);
- (c) in a mosque, even when the stay is no more than entering the periphery and then leaving by the same entrance (taraddud), though to just pass through is insufficient.

Optimally, the spiritual retreat (i'tikaf) should:

- 1. be accompanied by fasting,
- 2. take place in the Friday congregational mosque, because of the size of the group prayer therein, and so as not to have to leave to attend the Friday prayer,
- 3. and be at least a day or more.

@15.3.4 VOWING a spiritual retreat in particular mosques

If one vows (21.18) to make spiritual retreat (i'tikaf) in:

- 1. al-Masjid al-Haram (Mecca);
 - 2. al-Masjid al-Aqsa (Jerusalem);
 - 3. or the Prophet's Mosque (Medina);
- then the vow cannot be fulfilled elsewhere.

Spiritual retreat (i'tikaf) in al-Masjid al-Haram fulfills a vow to make spiritual retreat in either of the other two - al-Aqsa or the Prophet's Mosque - but not vice versa.

Spiritual retreat in the Prophet's Mosque in Medina fulfills a vow to do so in al-Masjid al-Aqsa, but not vice versa.

If one vows to make a spiritual retreat in any mosque besides these three, the vow can be fulfilled in any mosque since none, besides these three, is superior to any other.

@15.3.5 Spiritual retreat (i'tikaf) is invalidated by lovemaking and by orgasm as a result of touching.

@15.3.6 Vows to spend a certain consecutive period in spiritual retreat

If one vows to make a spiritual retreat for a consecutive period, then there is an obligation to do so. The consecutiveness of such a period is not nullified by:

- 1. leaving the mosque for a necessity, such as eating, even when it is possible to do so in the mosque,
- 2. drinking provided it is not possible to do so in the mosque,
- 3. using the lavatory,

4. attending to an illness,
5. the onset of menstruation,
6. or similar things.

However, one's spiritual retreat is interrupted by leaving the mosque to visit a sick person, perform a funeral prayer (janaza), or attend the Friday prayer (jumu'a).

@15.3.8 Touching another with sexual desire is unlawful for someone in spiritual retreat (i'tikaf).

@15.3.9 It is not permissible for a wife to make spiritual retreat without her husband's permission.

@*BOOK 16: TRADE

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INTRODUCTION BY DARWISH

In the era of the Turkish Caliphate, trade, religious knowledge, the richness of the sciences with all their intricacies, be they mathematical, medical or astronomy or otherwise were encouraged, financed, explored and promoted. The arts flourished, Islamic texts printed and distributed, literary works of other civilizations translated and the world explored. The Turkish Islamic Empire was the envy of the civilized world, it was a hive of trade, industry and activity right up until the fall of the caliphate.

Today, in the middle east it is a sadly different story, the shining example of development of both state and self in the Islamic world has fallen into a state of unenviable, festering decay. The majority of the rulers of the oil rich countries have become lazy and stupefied by their wealth with only a very small fraction of their tremendous wealth being allocated to benefit or advancement of their fellow countrymen. This has left their citizens with little employment or intellectual opportunities, and their rulers appear to be oblivious of the fact that in the year 2020 their oil will run out.

Rulers of such countries rely and depend upon the skills and trades of westerners and Asians to construct and run their countries, instead of investing in their own children so that they might learn from them, return to their country, teach and establish employment opportunities that are capable of absorbing, satisfying the need and providing work for the man in the street. It is true that some of their children do come to study in the west, and it is not unknown for many to enjoy the pastures of the west and buy their degree or receive a degree in a subject that has little or no value to their country. All too often when the doctorates return, they return as just figureheads and continue in the family tradition that employs westerners to do their work.

It is a very great shame that gadgets, components, and simple things that are capable of being manufactured by locals are imported from countries abroad, rather than their own country investing in building and operating factories that would provide a sustainable living wage for their own.

On the other side of the coin, the average man has himself become devoid of aim and has become lazy, failing to recognize and implement the exemplary success story of the Japanese and Chinese home grown industry. It is a well-known fact that the success of the hardworking peoples of Japan and China takes place within their own home. At the lower end of the scale these home industries manufacture, with simple tools, small everyday gadgets to sell and export. At the higher end of the scale home industries assemble computer parts, the result being that a thriving, profitable society has emerged. However, the citizens of middle eastern countries are, in many cases, not prepared to help themselves and have become lethargical, resenting the prosperity and achievements of the west and Asia, which in turn creates envy.

Set aside the legality of the State of Israel and reflect upon the achievements of the Israelis. In 1947, the land they now call home was all but barren, uncultivated and unusable except for the grazing of animals on its scant vegetation. Today, after years of hard work and only a fraction of the manpower of Palestine, they have turned the land into a prosperous, well-organized society, comparable to western countries in both technology and agriculture. Now, compare the example of the Palestinians, whose natural wealth is in their manpower, and observe their achievements – they amount to virtually nothing. Their leaders have become wealthy through western contributions donated for the betterment of the

Palestine peoples, leaving their countrymen to live in the squalor of refugee camps with only a fraction of the money reaching them. The result is unrest and envy of the success of the hardworking Israelis..

The way of the Prophet – may Allah praise and venerate him – discouraged begging and laziness. He encouraged people to find ways in which they might make a living for themselves, as when he advised a man to gather firewood and sell it in the marketplace, success does not simply jump out and present itself, it has to be worked for with whatever is available.

Laziness is not restricted to the means of this material life, it is also rampant in seeking and learning authentic Islamic knowledge, and this laziness has led to a very dangerous situation as we are just beginning to experience. The combination of the man in the street's discontent with the hierarchy of their country and their own unrecognized self failure is fertile ground for envy of the west, which is perceived to be raping them from what is rightfully theirs. This, is in some cases is correct, but they themselves, through laziness have contributed to the situation by not taking charge of their affairs, and in the case of oil rich countries, by letting others do the work for them. Without authentic, time-tested Islamic knowledge and guidance, this envy and discontent is being replaced and fed by radical, militant Wahabi (Kharijies) extremists. The Wahabi (Kharijies), have hijacked and distorted the ways taught by the Prophet – may Allah venerate him and give him peace – and it is they who appeal to the baser instincts of the Islamically ignorant peoples who readily associate themselves with extremist ideas to express their suppressed anger. In reality they should clean their own house first and learn and practice the true teachings of Islam for the sake of this life and the Everlasting life.

There is neither dignity nor yet self-respect in laziness. In the west there is the well-known phrase "the devil finds work for idle hands". If these middle eastern countries do not learn the Islamic code of life and learn to depend upon themselves, ridding themselves of lethargy and foster useful trades, what will be their demise when the oil runs out?

@*Chapter 16.1.0: SALE

@The legal basis for sale, prior to scholarly consensus (ijma'), are the Words of Allah, the Most High in the Koran:

"Allah has permitted trading" (Koran 2.275)

The more reliable of the two positions reported from our Imam, may Allah, the Most High be pleased with him, is that this verse is general in meaning, referring to all sales/trade except those specifically excluded by other evidence.

The Prophet – may Allah venerate him and give him peace – forbade various sales/trades but did not explain the permissible ones. By not doing so it proves that the initial presumption for the validity of a sale/trade is that it is lawful. This is

also borne out by Prophetic quotations (Ahadiths) such as the one in which the Prophet - may Allah venerate him and give him peace - was asked what type of earning was best, and he answered:

"The work of a man's own hand, and every pious sale/trade."

Meaning sales/trade free of cheating and deceit. Hakim related this Prophetic quotations (Ahadith), which he classified as rigorously authenticated (sahih).

Linguistically, "sale/trade" means to transact something for something else. In the Sacred Law it means to exchange an article of property for other property in a particular way. Its integrals are six:

- (a) the seller;
- (b) the buyer;
- (c) the price;
- (d) the article purchased;
- (e) the spoken offer;
- (f) and the spoken acceptance.

Whenever the word "sale/trade" is used in the ruling below, it refers to both exchanging goods for money and exchanging them for other goods or bartering.

@16.1.1 The spoken offer and acceptance:

A sale is not valid unless there is a spoken offer by the seller and spoken acceptance by the buyer. "Offer" means the statement of the seller or his agent (wakil, def: 16.17) "I sell it to you" or "I make it yours." Acceptance means the statement of the buyer or his agent "I buy it" or "I take possession of it" or "I accept."

Regarding "mu'atah", which is giving the seller the price and taking the merchandise without speaking, as when buying something whose cost is well known, Bajuri notes, "Imam Nawawi and a group of scholars have adopted the position that sales conducted by it (mu'atah) are valid for all transactions that people consider sales. This is because the determining factor is the acceptance of both parties, and there is no decisively authenticated primary text stipulating that it should be spoken, so common acknowledgement ('urf, def: 14.4.5) is the final criterion as to what legally constitutes acceptance." (Hashiya al-Shaykh Ibrahim al-Bajuri (y-5), 1.355.

The category of mu'atah also includes sales transacted by means of vending machines, provided it is clear what one is buying before one puts the money in the machine.

It is permissible for the buyer's acceptance to precede the offer, such as his saying, "I buy it for so-and-so much," and for the seller to reply, "I sell it to you," It is also permissible to say, "Sell it to me for such price," and for the seller to reply, "I sell it to you." All of these are unequivocal expressions.

Sales can likewise be effected, if the intention exists by equivocal expressions such as "Take it for such price," or "I consider it yours for such price," thereby intending a transaction with the buyer, who then accepts. If one does not intend a transaction by such expressions, then the sale is nothing but empty words, and there is an obligation upon the buyer to return the merchandise to its owner if it still exists, or replace it if used up while in his possession.

It is obligatory for the validity of the sales agreement that other conditions are met, amongst which are:

(a) that the interval between the offer and its acceptance is not longer than what is customary, the criterion being whether it gives the impression that one is averse to accepting, not just a brief interval.

(b) that conversation irrelevant to the agreement by either of the two parties not intervene between the offer and acceptance, even if inconsiderable, since, it gives the impression of non-acceptance;

(c) that the offer and its acceptance correspond, because if the offered price is one thousand, and the buyer "accepts" for five hundred, the transaction is invalid;

(d) that neither the offer nor acceptance is made conditional (ta'liq) upon an event irrelevant to the agreement, such as saying, "I sell it to you if my father dies";

(e) and that the sale is not subject to time stipulations (ta'qit) such as saying, "I sell it to you for a period of one month", this is because both (d) and (e) invalidate the necessary intention.

The gesture of a mute is as binding as a speaker's words.

@16.1.2 Buyer and seller:

The conditions that must exist in the buyer and seller are:

(a) having reached puberty. However, Imam Ahmad permits the buying and selling of minor items by children even before they have reached the age of discrimination (14.1.2) and without their guardian's permission;

(b) sanity:

(c) that one's disposal over one's property is not suspended (16.13);

(d) and that one is not unjustly forced to make the sale. The agreement of someone unjustly forced to sell his property is invalid because of lack of consent, though it is valid if he is justly forced, as when he is ordered to sell his property to repay a debt.

(e) If an Arabic Koran is being purchased for someone, it is obligatory that the person is a Muslim. The same is true of books of Prophetic quotations (Ahadiths) and books containing the words and deeds of the early Muslim. "Koran" in this

context means any work that contains some of the Arabic Koran, even a slight amount. This ruling holds for any religious books, even the *Tabaqat* of Sha'rani which is a collection of biographies of Muslims. However, the Hanafi school permits non-Muslims to buy or be given the Koran and other Islamic books.
(f) It is a condition that a person buying weapons is one whose people are not at war with Muslims.

@16.1.3 The Option to cancel a sale at the time of the agreement:
When a sale is effected, both buyer and seller have the option to cancel at the time of the agreement (*khiyar al-majlis*). This means the right to nullify the agreement at any time before they part company, or both waive the right to cancel, or until one of them cancels the sale.

The option to cancel at the time of the agreement exists at every sale, and for its duration, the ownership of the articles exchanged is suspended (16.1.5).

@16.1.4 Stipulating an option to cancel period:
Both the buyer and seller have the right to stipulate an option to a cancel period. That is, an interval of up to three consecutive days during which either party may cancel the agreement days.

The option to cancel period is not valid if the two parties stipulate an indeterminate period or leave it open-ended by stipulating "an option to cancel" although the buyer has the right to return a defective article (dis: 16.5) regardless of what they stipulate, or when the period is determinately known, but exceeds three days.

The option to cancel may be given depending on the agreement between the buyer and seller, or just one of them, and not the other, or they may give the option to a third party, since the need for this might arise. In any event, both buyer and seller must agree to the conditions, but such a period may not be stipulated for transactions in which it is unlawful to part company before taking possession of the commodities exchanged by one or both parties, as is the case in exchanging the kinds of foodstuffs and moneys in which usurious gain (*riba*, dis: 16.3.1-2) is present, or in buying in advance (dis: 16.9.2).

@16.1.5 Ownership of the merchandise during the period:
If the option to cancel is given to the seller alone, then the merchandise is considered his property during this period. This means that he owns the proceeds earned by the property, and its increments such as its milk, eggs, or fruit, and there is an obligation upon him to cover its maintenance and other expenses.

If the option to cancel is given to the buyer alone, then the merchandise is considered his property during this period and the above increments and expenses are his.

If the option to cancel is given to both the buyer and seller, then the ownership of the merchandise during this period is suspended. This means that if the transaction is finalized, it is established that it belongs to the buyer from the time the agreement was first made, together with its increments and expenses, but if the transaction is cancelled, it is established that it belonged to the seller and that means it never left his ownership.

@*Chapter 16.2.0: THINGS EXCHANGED IN A TRANSACTION

@ "Things" in this chapter refers to both the merchandise and its price.

@16.2.1 Five conditions for any article transacted:

Five conditions must exist in any transacted article.

It must:

- (a) be pure in itself, or if affected with filth, it must be capable of being purified by washing;
- (b) be useful;
- (c) be deliverable by the seller to the buyer, meaning that the buyer is able to take possession of it;
- (d) be either the property of the seller or the person whom the seller has been authorized to represent;
- (e) and be determinably known (ma'lum) to the buyer and seller, as to which particular thing it is, how much it is, and what kind it is, in order to protect against chance or risk (gharar), this is because of the Prophetic quotations (Ahadiths) related by Muslim that the Prophet - may Allah venerate him and give him peace - forbade the transaction of whatever involves chance or risk.

@16.2.2 Purity

It is invalid to transact something that is impure in itself (najasa, def: e-14.1) such as a dog, or something affected with filth that cannot be purified by washing, like milk or shortening, though if it can be purified as in the case of a garment, then it may be transacted.

@16.2.3 Usefulness. It is invalid to transact something that is not useful no matter whether the reason for the invalidity is the article's baseness or the smallness of the amount being dealt with. For example, vermin, a single grain of wheat, or unlawful musical instruments (dis: 4.40) such as a mandolin or flute, since there is no lawful benefit in them.

@16.2.4 Deliverability. It is invalid to transact something that is undeliverable. For example, a free wild bird or something that a third party has wrongfully taken from one. However, if one sells the latter to a buyer who is able to take it back from the third party, the sale is valid; while if the buyer is unable to take it from him, then the buyer has the option to either declare the sale binding or cancel it.

It is invalid to transact a particular half of a whole object such as a vessel, sword, or garment because the buyer cannot take possession of that part without breaking or cutting the article, or part of anything whose value is diminished by cutting or breaking. However, if it does not diminish its value, as with a bolt of heavy cloth, such portions may be sold.

@16.2.5 Lawful disposal over the property:

It is not valid for the owner of an article that has been put up as collateral (16.11) to sell it without the permission of the person to whom the collateral has been given.

Nor is it valid to sell property belonging to another, unless the seller is the owner's guardian (16.13.2) or authorized representative (16.17).

@16.2.6 Being determinately known:

It is not valid to sell property not determinately identified such as "one of these two garments" since the phrase "one of them" is not an identification. Likewise with saying, "I sell you one of these sheep." It makes no difference whether all the objects are of equal or unequal value.

It is not valid to transact a particular thing that is not in view which means something that has not been seen by both buyer and seller or by one of them. For example saying, "I sell you the black horse in my stable." However, if the buyer has seen the item before and the article is something that does not generally change within the time that has elapsed since it was last seen, then such sales are valid.

It is permissible to sell something like a mound of wheat that is in plain view when its weight is unknown, or to sell something for a heap of silver that is visible when the silver's weight is unknown, because its seeing is sufficient.

It is not valid for a blind person to sell or buy by himself, he must commission another to buy and sell for him. However, in the Hanafi, Maliki, and Hanbali schools he is permitted to buy and sell for himself.

It is valid for a blind person to buy in advance (16.9) or for another to buy in advance from him, provided the payment is forwarded to and held by the person being bought from in advance.

@*Chapter 16.3.0: USURIOUS GAIN (Riba)

@ Linguistically, the word "riba" means increment. In the Sacred Law it is of two types.

The first being usurious gain (riba) in selling, which is an agreement for a specific recompense whose equivalence to the merchandise is unknown (16.3.1) according to the standards of the Law at the time of the transaction, or in which

the exchange of the two properties transacted is delayed, or one of them is delayed.

The second type concerns loans, and consists of any loan by which the lender obtains some benefit (dis: 16.10.5). The basis for its unlawfulness, prior to scholarly consensus (ijma', def: 7.7), is such Koranic verses as: "Allah has permitted trading and forbidden usury." (Koran 2.275), and, "Believers, fear Allah and give up what is still due to you from usury, if you are believers" (Koran 2.278).

In the Prophetic quotations (Ahadiths) Muslim reported that the Prophet - may Allah venerate him and give him peace – said: "The Messenger of Allah - may Allah venerate him and give him peace - cursed whosoever consumes usurious gain (usury; riba), feeds another with it, writes an agreement involving it, or acts as a witness to it."

Another Prophetic quotation (Ahadith), in al-Mustadrak by Hakim, relates that the Prophet - may Allah venerate him and give him peace - said, "Usurious gain (usury) is of seventy kinds, the least of which is as bad as a man marrying his mother."

w-43 discusses taking interest in enemy lands (dar al-harb).

@16.3.1 Usurious gain in the sale of foodstuffs, gold and silver
Usury (gain) is not unlawful except in certain exchanges involving human foodstuffs, gold, and silver or other money that is the ruling for usurious gain in sales.

As for usurious gain or interest from loans, it is unlawful for any type of property. The determining factor in the prohibition of usurious gain in foodstuff is its being edible, and in gold and silver, their being the value of things.

When a foodstuff is sold for a foodstuff of the same kind, such as wheat exchanged for wheat, or the gold is traded for gold, three conditions are obligatory:

- (a) exact equivalence in amount (16.3.5);
- (b) that the properties transacted are in the respective possession of the buyer and seller before they part company;
- (c) and immediacy, meaning that the agreement does not mention any delay in the exchange, even if brief.

@16.3.2 Foodstuffs sold for a different kind:

When foodstuffs are sold for foodstuffs of a different kind, such as wheat for barley, or when gold is sold for silver, only two obligatory conditions are:

- (a) that the exchange is immediate;

(b) and that the properties exchanged are in the respective possession of the buyer and seller before they part company.

If these two conditions are met, the two commodities exchanged may differ in amount.

@16.3.3 Gold and silver transactions:

When gold is exchanged for gold, or silver for silver, conditions mentioned in 16.3.1 (a,b,c) are obligatory. If gold is exchanged for silver, their amounts may differ, but the conditions in 16.3.2 a and b are obligatory.

@16.3.4 When foodstuffs are sold for gold or silver, the transaction is unconditionally valid, this means that none of the above conditions are necessary.

@16.3.5 Meaning of equivalence in amount:

Equivalence in amount for commodities customarily sold by volume is reckoned according to volume, even if weights differ, and articles customarily sold by weight according to weight.

Therefore, it is invalid to sell a pound of wheat for a pound of wheat when there is a difference between the two's volume, although it is valid to sell a bushel of wheat for a bushel of wheat even when their weights differ.

“Customarily transacted by weight or volume” means according to the prevalent custom in the Hijaz during the time of the Messenger of Allah - may Allah venerate him and give him peace. When this is unknown, then it is according to the custom of the town where the transaction takes place. If the foodstuff is of a kind not customarily exchanged by either weight or volume, and has no dehydrated storage state, such as cucumbers, quinces, or citrons, then it may not be traded for its own sort.

Equivalence in amount is not applicable to foodstuffs until they are completed, meaning, for fruits, in a state of dehydrated storage. It is invalid to trade fresh dates for fresh dates, fresh dates for dried dates, fresh grapes for fresh grapes, or fresh grapes for raisins.

Types of dates and grapes not sold as dried dates and raisins may not be exchanged for their own sort.

It is also invalid to exchange because of ignorance of their equivalence to exchange:

1. flour for flour when they are of the same type;
2. flour for wheat;
3. bread for bread when of the same type;
4. a pure foodstuff for a mixed one;

5. cooked food for uncooked, or cooked food for other cooked food, unless the cooking is very slight, such as separating honey from the comb or milk fat from milk.

It is not permissible to exchange, for example, a measure of dates plus one dirham for two dirhams, or for two measures of dates, or for a measure of dates and a dirham. Nor is it permissible to exchange a measure of dates and a garment for two measures, nor a dirham and a garment for two dirhams.

It is invalid to transact meat for a live animal even when the two are not of the same kind of animal.

@*Chapter 16.4.0: SOME PROHIBITED KINDS OF TRANSACTION

@16.4.1 Selling the offspring of expected offspring:

It is invalid to sell the offspring of expected offspring, such as saying, "When my she-camel gives birth, and her offspring in turn gives birth to a camel, I hereby sell you that camel". The reason for invalidity is that it is a transaction of an article that is not owned, known, or deliverable. Nor is it valid to sell something for a price whose payment is deferred to a time similar to the above, which is till the time the offspring of an offspring is born, because the date of payment is not known.

@16.4.2 Either-or sales:

It is invalid to make a transaction whose terms include two different possible deals without specifying which one has been agreed upon such as saying, "I sell you this for either one thousand in cash or two thousand in deferred payment." Such is invalid because the price is not known, or such as saying, "I sell you my robe for a thousand, provided you sell me your sword for five hundred" which is invalid because of the invalid stipulation (dis: below).

@16.4.3 Sales with stipulations:

It is not valid to make a transaction that includes an invalid stipulation such as a condition that is irrelevant to the original agreement that adds to its price.

This is because the Prophet, - may Allah venerate him and give him peace - forbade transactions with such conditions, such as stipulating a loan or a second transaction, saying for example, "I hereby sell it to you for a thousand provided you loan me a hundred." Or, "provided you sell me your house for such and such a price", or "provided you do not sell it to so-and-so". Its invalidity is due to considering both as the price. Stipulating this invalidates the transaction, and paying this "price" is void because of it not being determinately known (16.2.1(e)).

The invalidating factor is stipulating a second transaction, not the fact that it accompanies the first transaction, because it is permissible to join two transactions, as discussed in 16.4.12 below.

@16.4.4 Sales with valid stipulations:

The following types of conditions do not invalidate transactions that stipulate them:

1. a condition to postpone payment, though this requires a specified date of payment;
2. a condition that collateral (16.11) is put up as security for payment of the price or for delivery of the merchandise;
3. a condition that a particular individual will guarantee (16.15) payment;
4. or other conditions from the seller, the buyer, or both that the deal requires, such as an option to return the merchandise if defective, and so forth.

It is valid for the seller to stipulate that he is free of the responsibility for defects in the merchandise. By doing so, he is not held responsible for an animal's internal defects of which he is unaware, though he remains responsible for all other kinds of defects. The conditions for this ruling are that the defect is internal, found in an animal, unknown to the seller, and that it exists at the time of the agreement.

@16.4.5 Paying non-refundable deposits:

It is not valid to pay a non-refundable deposit against the price of an article. For example paying a dirham for piece of merchandise on the basis that if the buyer decides to keep it, the dirham is part of the price, but if he does not, then the seller keeps the dirham.

The school of Imam Ahmad permits non-refundable deposits.

@16.4.6 (Not translated)

@16.4.7 Undercutting another's deal:

It is unlawful to undercut a brother's deal that he has made with a customer after they have settled on the price. This means, to say to someone who has already accepted something, "Return it to its owner and I will sell you a better one for the same price or less", or tell the seller, "Take it back from him and I will pay you more for it."

The above restriction, after they have settled on the price, excludes someone going around taking bids in an auction, as this is lawful.

It is also unlawful to undercut a brother's price that is, during the option to cancel at the time of the agreement (16.1.3), or during a stipulated option to cancel period (16.1.4) by telling the buyer, "Cancel the deal and I'll sell you one cheaper." This also holds for other contracts, such as renting or lending the use of something.

@16.4.8 Bidding up merchandise:

It is unlawful to raise a bid for merchandise that one is not really interested in, to fool another bidder.

@16.4.9 Selling grapes to a winemaker:

It is unlawful to sell grapes to someone who will make wine from them, or if the seller thinks they will be used for winemaking. The same applies to the sale of dates, yeast, wheat or barley etc., which will be made into an alcoholic drink.

If there is doubt whether or not alcoholic beverages will be made from it or if one just imagines it, then the transaction is offensive. The word "think" (zann) means to believe it probable, "doubt" (shakk) means one is undecided, and "imagine" (wahm) means to consider it possible. Selling in such cases is unlawful or offensive because it is a means of disobedience, no matter whether certain or suspected. The word "means" meaning an instrumental cause, as opposed to something, which is not instrumental, such as renting a house to a drunkard, which is not unlawful, because it is not a cause. However, it is unlawful to rent a building to someone who intends to open it as a bar.

TirmiThi relates that the Prophet - may Allah venerate him and give him peace - cursed whosoever drinks wine, gives it to others to drink, sells it, buys it, presses it for another, transports it, receives it, or consumes its price.

@16.4.10 If one makes any of the above unlawful transactions (16.4.6-9), the agreement is valid (dis: 8.5.2)

@16.4.11 Valid sale combined with an invalid sale:

If one combines the sale of something that is valid to the sale of something that is invalid to sell in one transaction, such as selling one's own garment together with someone else's without his permission, or selling wine and vinegar, the transaction is only valid for the portion of the price that covered the valid part of the sale and the invalid portion must be refunded to the buyer. The buyer has the option to cancel the whole agreement if, at the time the deal was made, he did not know it included something impermissible.

@16.4.12 Joining two types of transactions in one contract:

It is valid to join two contracts of different kinds for example, a sale with a rent agreement such as saying, "I sell you my horse and rent you my house for a year for such and such an amount". It is not necessary that the two are different kinds, because the ruling also applies to two contracts of the same type, such as a partnership (16.16) linked with financing a profit-sharing venture (qirad) def: 16.22), or such as saying, "I let you marry my daughter and sell you her house (as her father is her proxy and the proceeds belong to her) for such and such," and the price is considered as proportionately distributed over the two transactions.

@*Chapter 16.5.0: RETURN OF DEFECTIVE MERCHANDISE

@ The criterion for defect is based on something that is expected to exist in merchandise, whether this expectation results from:

1. stipulations agreed upon (dis: 16.4.4);
2. the customary level of quality (dis: 14.4.5) for merchandise of its type;
3. or outright deception by the seller.

The author does not mention (1) in this section, but confines himself to (2) and (3).

@16.5.1 Informing a prospective buyer of defects in merchandise:

There is an obligation upon whosoever knows of a defect in the article he is selling to disclose it. If he does not, he has cheated the buyer.

The Prophet - may Allah venerate him and give him peace – prohibited such saying, "Whosoever cheats us is not one of us."

If the buyer accepts the merchandise then the transaction is valid and further details are discussed below.

@16.5.2 Returning defective merchandise:

When a buyer notices a defect in the merchandise that existed when in the possession of the seller, he is entitled to return it, however if he is content to accept the defect he does not have to return it.

The merchandise may also be returned when the defect occurred after the sale but before the merchandise was delivered, since the merchandise is the seller's responsibility during this period.

@16.5.3 Meaning of defective:

The criterion of defectiveness is:

- (a) any flaw that diminishes the article or its value to a degree that hinders a valid purpose;
- (b) provided that such an imperfection does not usually exist in similar merchandise.

The former restriction excludes such things as amputation of a surplus digit or a minor nick from the animal's thigh or hock that is inconsequential and does not obviate its purpose, in which case there is no option to return it.

The latter restriction excludes defects not generally absent in similar merchandise, such as missing teeth in older animals. There is no option to return such merchandise, even if the value is diminished.

@16.5.4 Defect discovered after the article is destroyed:

If the buyer notices a defect in the merchandise after it has been destroyed - then a compensation from the seller to the buyer is obligatory. The buyer is entitled to compensation because of the impossibility of returning the article due to its no longer existing.

“Compensation” means a part of the article's price whose relation to the whole price is the same as the relation of the value that the defect diminished to the full value of the article if it had been without defect.

The difference between price and value is that the value is how much money an article is worth in the marketplace, while the price is whatever the sale agreement specifies, whether this is more or less than the value. The value in such a case is fixed at the lowest value for articles of its type current in the marketplace between the time the deal was made and the time the buyer took its possession.

The buyer is no longer entitled to seek compensation for such a defect if he notices the defect after he no longer owns the article because of having sold it or otherwise disposed of it. However, if such an article returns to the buyer's possession after this, for example after having left his ownership, whether as a gift, or returned from a subsequent buyer because of a defect, or because of a cancelled deal, or he buys it back, then he is entitled to return it to the person who originally sold it to him.

@16.5.5 New defect occurring before return:

If an additional defect occurs in an article other than the above-mentioned defect that existed before the buyer received the article, while it is in the buyer's possession, then the buyer is only entitled to receive compensation from the seller to compensate for the original defect. He is not entitled to insist that the seller accept the return of the article for a full refund.

But if the original seller is willing to accept it back with the new defect, and refunds the original price, then the buyer is not entitled to keep the article and demand compensation for the original defect. Rather, the buyer is told, “Either return it, or else be content with it as it is and you receive nothing.” This is because the harm to the original seller, which is what prevents it being obligatory for him to accept its return no longer exists if the seller is content to take it back, and the merchandise is as if the additional defect never occurred.

Their agreement is implemented if the buyer and seller agree upon:

1. the seller taking it back with the seller refunding the original price, and the buyer giving him compensation for the new additional defect;
2. or the buyer keeping the merchandise, and the seller paying him compensation for the original defect.

This is because either of these options might satisfy the interests of the two parties. If the buyer and seller disagree about which of these two options should be implemented, the decision goes to whichever of them requests option (2), whether this person is the buyer or the seller, since it confirms the original contract.

@16.5.6 If the new defect which occurs while the article is in the buyer's possession is the sole means of disclosing the old defect, such as breaking open a spoiled watermelon or egg, and so forth, then the new defect does not prevent the obligation of the seller to accept its return. But if the new damage exceeds the extent that was necessary to reveal the original defect, then the seller is no longer compelled to accept it back.

@16.5.7 Immediacy, a condition in returns for defects:

It is a necessary condition for cases where the buyer seeks a refund for something he is returning because of a defect, that the buyer return it immediately upon noticing the defect with his option to return being cancelled if he delays without an excuse. On his way back to the seller, he should have two witnesses affirm that he is canceling the agreement so if the seller is unavailable at the time, the buyer is nevertheless able to prove that he went to return it immediately.

If the defect is noticed while one is praying, eating, using the lavatory, or at night if the night presents a problem in returning it, then one is entitled to delay returning it until the situation preventing one from doing so is no longer present, provided one stops using or benefits from it.

If the buyer delays returning it when capable of doing so, then there is no obligation upon the seller to accept the article back for a refund, or no longer obligated to do so in cases like 16.5.5 above to compensate the buyer for the original defect, because the delay implies that the buyer is satisfied with the defect.

@16.5.8 (not translated)

@16.5.9 Selling for original price plus increment (Murabaha):

The term "murabaha" applies to sales where the seller states the price in terms of "the original price plus such and such an amount as profit," no matter whether "by original price" he means the amount he originally paid for the whole lot, or whether he means the proportion of that price represented by the percentage of the lot which he is now selling.

The seller in "murabaha", which means an agreement where the price consists of the original price plus increment, is obligated to inform the buyer of any defect that occurred in the merchandise while in his possession. For example by saying, "I bought it for ten" or "I bought it for one hundred and sell it to you for the price I bought it plus one dirham's profit on every ten, but such and such a defect happened to it while I had it." Likewise, he is obligated to say, for example, "There was such and such a defect in it when I purchased from the previous owner and I accepted it as such."

There is an obligation upon the seller in “murabaha” to explain how much time he was given to pay the original price, since deferring payment generally raises the price, and stating such a raised price without mentioning that it was deferred would give the new buyer a false impression.

(The author omitted to mention that telling the prospective buyer the above information is also obligatory in sales of discount, on a lot of goods or portion thereof, as when the seller tells someone, "I sell it to you for what I bought it for, minus one from every eleven." Likewise, these rulings apply to agreements stated in terms of, "I sell you it at the same price the original deal was made for.")

@*Chapter 16.6.0: SELLING FRUIT AND CROPS

@16.6.1 On the tree: It is neither permissible nor valid to sell the unripe fruit from a tree alone, unless the agreement stipulates the immediate picking of the fruit. However, such a sale is valid without restriction if it is made after the fruit is ripe, meaning fruits that do not change color to become fit to eat; and for fruits whose color changes to turn the color of ripeness.

If both the tree and the fruit are sold together, the sale is permissible without stipulating that the fruit is to be picked.

@16.6.2 Grain, when green, is subject to the same rulings as fruit before it is ripe, it may not be sold, nor would the sale be valid unless the agreement stipulates immediate harvest, though there are no restrictions on sales made after the grain is sold and firm.

@16.6.3 It is not permissible to sell grain when still in the husk, or to sell unripe nuts, almonds, or broad beans when these are in the shell. However, when the latter three are dried, they may be sold in the shell.

@*Chapter 16.7.0: MERCHANDISE BEFORE THE BUYER TAKES POSSESSION

@16.7.1 Merchandise is the responsibility of the seller: Merchandise is the responsibility of the seller before the buyer has taken its possession (16.7.3). If such merchandise is destroyed (talifa) meaning to be finished off or used up by itself or through an act of the seller, then the agreement is cancelled and no payment is due for it. However, if the buyer destroys such merchandise, he must pay its price, and his destruction of it is considered as having taken possession of it.

If a third party destroys such merchandise, the deal is not cancelled but rather the buyer is given a choice to either:

1. cancel the agreement and make the value (16.5.4) of what the third party destroyed a debt that the third party owes to the seller;
2. or effect the deal, paying the seller the price, if he agrees to effect the deal, and making the third party liable to pay the value to the buyer.

@16.7.2 Buyer may not resell until he takes possession:

When one buys something, it is neither permissible nor valid to sell it until one has taken its possession. The invalidity of selling it likewise applies to all transactions disposing of it, such as its renting, giving it away, and so forth.

It is also invalid for the seller to dispose of the price in any way before it has been received from the buyer, unless the new transaction is with the same buyer and involves the very same article that is the same price. However, if the price is a financial obligation, the seller may ask for a different sort of payment, provided he has not already accepted the payment, as when he sells something for dirhams, but then accepts gold, a garment, or something else instead of them.

@16.7.3 Meaning of taking possession:

Taking possession means:

1. for transportable things such as wheat or barley, that can be transported by the buyer or his representative, that is, when he moves the merchandise to a place not belonging to the seller, such as the street or the buyer's house;
2. for things dealt with by hand, such as a garment or book, that they are taken in hand;
3. and for other things, such as a house or land, that they are given over, meaning that the seller gives the buyer control over them, such as by handing the key to him or moving the belongings of others off the property.

@*Chapter 16.8.0: DISPUTES OVER THE TERMS OF A TRANSACTION

@16.8.1 Examples: When two parties agree on the validity of a transaction but disagree on its terms, and there is no proof, then they each swear an oath (dis: 16.8.2) affirming their side of the story. Such a disagreement could be:

1. the seller saying that he sold it for immediate payment, while the buyer asserts that payment was to be deferred;
 2. the seller stating that he sold for ten, while the buyer maintains it was five;
 3. the seller saying he sold it to the buyer on condition that there be an option to a cancellation period (16.1.4), while the buyer asserts that no such option was stipulated,
- or similar disputes.

@16.8.2 Oaths sworn in absence of other proof:

Swearing an oath (9.18) is a means for urging one's case when there is no proof, meaning that there are no witnesses.

When rulings mention, for example, that "so-and-so's word is believed," or "so-and-so's word is accepted," it means that his word is accepted when he swears an oath in cases where there is no proof presented by either of the two pairs. If there is proof, whether from the plaintiff or defendant, it is given precedence over an oath.

@16.8.3 What is to be said in the oath taking

In the oath for such cases, the seller swears first, saying, for example, "By Allah, I did not sell it to you for such-and-such an amount, but rather for such-and-such an amount." Then the buyer swears, "By Allah, I did not buy it for such-and-such an amount, but rather bought it for such-and-such." It consists of an oath from each party, which joins the denial of the other's claim with the affirmation of one's own claim, and in which the denial is recommended to precede the affirmation.

@16.8.4 When the buyer and seller have sworn, but subsequently reach a solution that both accept, the agreement is not cancelled. But if they cannot reach an agreement, then the agreement is cancelled either by both, one or the Islamic magistrate who does so to end the dispute between them. When the agreement is cancelled, each returns whatever he has accepted from the other.

@16.8.5 Kinds of disagreements:

If either the buyer or seller testifies that a particular agreement is invalid, but the other party says it is valid, then the word of whichever of them asserts it is valid is accepted if he swears an oath (dis: 16.8.2).

If the buyer comes to the seller with a piece of merchandise that he wants to return because of a defect, but the seller says that it is not the one he sold him, then upon the taking of an oath the seller's word is accepted.

If the buyer and seller disagree about a defect in an article that could have occurred while it was in the buyer's possession, but each party asserts that the defect occurred while in the other's possession, then upon taking an oath, the seller's word is accepted.

@*Chapter 16.9.0: BUYING IN ADVANCE

@16.9.1 Meaning of buying in advance:

Buying in advance means the sale of described merchandise which is the seller's obligation to deliver to the buyer at a certain time.

@16.9.2 The conditions for the validity of buying in advance:

In addition to the conditions for valid sales (16.1.1-2, 16.2.1), seven other conditions must be met for buying in advance to be valid:

- (a) that the price of the merchandise be received when the agreement is first made. It is sufficient to see the price that is being accepted, even when its exact amount is unknown;
- (b) that the merchandise bought in advance is a financial obligation (dayn) owed by the seller which he will deliver when its time comes. Its delivery may be due from the present time onwards, or due later through deferment by clearly stating whether it is to be due immediately or deferred to a specific date. It is not permissible to say, "I advance you these dirhams for that particular horse"

because of the condition that the merchandise bought in advance is a financial obligation (dayn), which the above-mentioned horse is not, but is rather a particular individual article ('ayn));

- (c) that the location to which the merchandise is to be delivered be clearly stipulated in cases in which the buyer pays for it at a place where it cannot be delivered, such as the wilderness; or to which the merchandise can be delivered, but transporting it there involves considerable difficulty;
- (d) that the merchandise bought in advance be determinately known by volume, weight, quantity, or yardage in terms of a familiar measure. It is not valid for someone to say "the weight of this stone," or "the capacity of this basket," if the stone's weight or basket's capacity is not known;
- (e) that the merchandise is within the seller's power to deliver (16.2.4) when the time for delivery arrives;
- (f) that the merchandise is not generally subject to unavailability. If it is something rare, such as a great quantity of the season's first fruits of a particular kind of produce, or something not typically safe from unavailability, such as the fruit of this particular date palm, then its sale in advance is not permissible;
- (g) that those characteristics of the merchandise over which the buyer and seller might be at cross-purposes be expressly described with clear specifications. It is not permissible to buy things in advance that cannot be defined by clear criteria. Such as jewels or composites like meat pastry composed of wheat, meat, and water, all of which are expected but not described in terms of minimal or maximal amounts, ghaliya perfume, which is composed of musk, ambergris, aloes, and camphor), or slippers and such like composed of outer and inner layers and padding, nor articles whose top randomly differs from their bottom, like a lamp or pitcher the top of which is sometimes wider than the bottom, or vice versa. However, the Hanafi school permits such agreements, calling them made to order (istisna'), which they hold includes whatever is customarily bought in this way. They affirm the buyer's option to cancel the agreement when he see the merchandise, and it is obligatory that the article is precisely described, nor something substantially processed and altered by fire, meaning heat, such as bread or roast meat, since describing it i.e. how much cooking it takes, is impossible in a precise way.

@16.9.3 Buyer may not resell an article until it is in his possession:

It is not permissible for the buyer to sell something he has bought in advance until he has received it.

@16.9.4 Substitute for article ordered:

It is not permissible to take some other type of merchandise in place of the article bought in advance, that is, when the buyer demands the substitute before the delivery of the original is due, though they may agree on it after that.

If the seller delivers the merchandise specified, or better than what was specified, the buyer must accept it since it is apparent that the seller could not find a way to

fulfill his obligation except through this means. If the seller delivers merchandise that is inferior to what was specified, then the buyer may accept it, as this is voluntarily refraining from demanding his due, but there is no obligation upon him to do so, because of the loss therein.

@*Chapter 16.10.0: PERSONAL LOANS (Qard)

@ A loan means repayable financial aid. It does not refer to lending a particular article ('ayn) for someone to use and then return after use, which is termed an 'ariyya (16.19).

@16.10.1 Recommended:

"Loaning" meaning to give something to the borrower on the basis that he will return its equal is recommended.

@16.10.2 Spoken offer and acceptance:

A loan is effected through a spoken offer and acceptance (16.1.1), such as saying, "I loan you this," or, "I advance it to you."

@16.10.3 Loans only valid in what may be bought in advance:

It is permissible to give as a personal loan any article that may be brought in advance (16.9.2 (b,d,e,f,g)) and nothing else though this restriction does not apply to lending for use ('ariyya), dis: 16.10.0.

@16.10.4 Specifying repayment date:

It is not permissible for the lender to impose as a condition that the loan is to be repaid on a certain date though for the Maliki school, to stipulate that repayment is obligatory on a certain date is valid and legally binding.

@16.10.5 Any benefit obtained by loaning is usury (riba):

It is not permissible for the lender to impose some condition that will enable him to benefit from the loan, such as a condition that the borrower must return something superior to what was loaned, or such as saying, "On condition that you sell me your horse for such-and-such an amount," for these are usurious gain (riba). But it is permissible for the borrowers to return superior to what was loaned without this having been stipulated.

@16.10.6 Collateral: It is permissible for the loan agreement to include the condition of collateral. This means for the recipient to give the lender something as collateral (16.11) for what he borrows, or the condition of a guarantor, such that the recipient brings someone to guarantee that the loan will be repaid (16.15).

@16.10.7 Paying back other than what was borrowed:

There is an obligation upon the recipient of a loan to repay the equal of what was lent, though it is permissible for the lender to accept something other than the type of thing loaned. If the lender gives the recipient a loan and later meets him

in another town and asks for it back, the recipient must repay it if it was gold or silver and the like, though if the loaned commodity was something troublesome to carry, such as wheat or barley, then there is no obligation upon the recipient to pay it back in kind but he is obligated to pay back its value.

@*Chapter 16.11.0: PUTTING UP COLLATERAL (Rahn)

@ In the Sacred Law “collateral” is a piece of saleable property put up as security for a financial obligation to cover the amount if it should prove impossible to repay.

@16.11.1 Conditions for the validity of putting up collateral:

Putting up collateral is only valid when done by someone with full disposal over his own property, as security for a financial obligation (dayn) dis: 16.9.2(b) that is currently due, such as the price due for merchandise after its delivery, or a personal loan, or for a financial obligation that is currently becoming due such as the price of something during the option to cancel period (16.1.4). The collateral being security for a financial obligation is one restriction on its validity, and for one that is currently due is another. It is not valid to put up collateral for a particular individual article ('ayn) or the use of an article, since the obligation to deliver a particular article is not a financial obligation (dayn), as the selfsame article cannot be obtained by selling the collateral.

Putting up collateral is not valid in cases in which the financial obligation is not yet due, such as collateral accepted by a lender as security for a loan that he will make in the future.

It is necessary for the validity of putting up collateral that there is a spoken offer by the person putting up the collateral and spoken acceptance from the person accepting it, just as it is necessary for sales, the conditions mentioned in connection with sales (16.1.1) applying equally here.

The agreement is not legally binding until the collateral has been taken possession of with the permission of the person putting it up, who is entitled to cancel the agreement at any point before the possession of the collateral has been taken (16.7.3).

When the agreement has been effected, if the two parties, the collateral's giver and receiver, agree that the collateral should be a debt with either of them, or with a third party, this is done. If they do not agree the Islamic magistrate has it kept with an upright person (9.24.4) to end the disagreement. However, the magistrate is not entitled to place it with either of the two parties without the other's permission.

@16.11.2 General Provisions Concerning Collateral:

The collateral must be an article that is permissible to sell (16.2.1).

None of the collateral may be separated from the rest of it until the financial obligation has been entirely paid off.

The person who puts up the collateral is not entitled to dispose of it in any way that infringes upon the right of the person who has received it as collateral. For example, transferring its ownership to another by selling it or giving it away or putting it up as collateral for another person, neither can he dispose of it in any way that diminishes its value, such as its wearing. However, he may use it in ways that do not harm the interests of the person who has received it, such as riding it, or living in a house that has been put up as collateral.

@16.11.3 One article may not be collateral for two debts:

An article put up as collateral for a financial obligation may not be put up as collateral for a second financial obligation, even when the second obligation is with the same person who has accepted the article.

@16.11.4 The expenses for maintaining an article put up as collateral, such as fodder for livestock, or the wages of a person watering trees, are the responsibility of the person who put it up, and he may be compelled to pay them to protect the rights of the person receiving it lest it is destroyed. The person who put up the collateral is entitled to the increments produced by it that are separable from it such as milk or fruit.

@16.11.5 An article is destroyed in a holder's possession:

If the article is destroyed while in the possession of the person who received it as collateral without negligence on his part, meaning he took normal precautions for similar articles, then there is no obligation upon him to pay anything for its loss.

However, if the article is destroyed on account of his negligence, then he is obligated to pay its value to the person who put it up though its destruction does not eliminate any of the original financial obligation for which the destroyed collateral was put up.

In the event that the collateral has been destroyed and the two parties disagree how much the collateralized article was is disputed and there is no proof (dis; 16.8.2) the final word belongs to the person who received it as collateral provided he swears an oath as to how much it was.

When there is no proof, the final word as to whether the collateral has been returned to its owner after the borrower paid his financial obligation belongs, after he has sworn, to the person who put up the collateral up.

@16.11.6 Benefit of collateral:

The benefit of collateral is that the article can be sold when the need arises to pay the amount due. If the person who put up the collateral refuses to sell the article then the Islamic magistrate orders him to either pay the original obligation

or else sell the collateralized article. If he continues to refuse to sell the collateralized article the Islamic magistrate sells it for him.

If the person who put up the collateral is absent, then upon receipt of proof, the magistrate sells the collateralized article and gives the lender what is due

If there is no Islamic magistrate and no proof that there is a financial obligation for which the collateral has been put up, then the person who accepted it as collateral is entitled to sell it himself.

@*Chapter 16.12.0: BANKRUPTCY (Tafilis)

@: Bankruptcy occurs when the Islamic magistrate makes a debtor bankrupt by declaring him so and forbidding him to dispose of his property.

@16.12.1 Those without means to repay are respited

When there is an obligation upon someone to pay a current debt he is asked to repay it. If he claims that he is unable to, but his creditors deny this to be so, then if it is known that he has saleable property, he is kept under arrest until he provides evidence that he cannot pay. If it is unknown whether or not he has saleable property he is to swear an oath that there is no property. Once it has been established that he is unable to pay, whether through evidence, or through his oath, he is released until his circumstances allow him to pay and his creditors may not harass him. This is because of the word of Allah, "If he should be in hardship, then a postponement until ease; while if you give in charity it is better for you if you know." (Koran 2.280).

@16.12.2 Those with saleable property:

If he has saleable property, such as real estate, home furnishings, or livestock, and refuses to pay his debt, then the Islamic magistrate sells it for him and pays his debt. If the proceeds of the sale are insufficient to cover the debt, and he or his creditor asks the magistrate that he be suspended from dealing in his property, then this is done and this becomes obligatory if requested.

When the person is suspended, his disposal over his own saleable property is not legally binding or effective, and the magistrate pays the person's expenses and those of his family upon whom there is an obligation for him to support (17.12.1) out of this suspended property if he is unable to earn enough to pay his expenses.

After the person has been suspended the magistrate sells the property in the most profitable manner and divides the proceeds according to the percentage of the total debt that is owed to each creditor.

@16.12.3 If one of the creditors is owed money on a debt, which is not yet due, he is not entitled to be paid from the proceeds.

Rather, if the bankrupt does not agree to pay the person immediately, the magistrate keeps this person's share until the debt is due and then pays him.

@16.12.4 If one of the creditors has accepted an article of the bankrupt's property as collateral from him for a debt, he is paid the amount owed to him from the sale of the collateral. If there is money from its sale in excess of what was owed to him, it is distributed among the other creditors.

@16.12.5 If one of the creditors finds the same piece of merchandise he sold to the bankrupt person, he may choose between selling it and dividing the profits with the other creditors, or canceling the deal and taking back the piece of merchandise. This is provided there is nothing to prevent taking it back such as it being subject to preemption by a part owner (shuf'a, def: 16.21), or the bankrupt person having made it collateral to another person, or the merchandise's being mixed with merchandise better than it, or some similar objection.

@16.12.6 Bankrupt person permitted to keep clothing etc.
The bankrupt person is permitted to keep a suitable set of clothes and enough food for himself and his dependents to suffice for the day on which his saleable property is divided up.

If the bankrupt person is then earning enough to suffice himself and his dependents, he is left as is. If not, then he is supported by the Islamic treasury (bayt al-mal), like all poor people. If there is no common fund, he must be supported by all the Muslims.

@*Chapter 16.13.0: SUSPENSION OF CHILDREN AND THE INSANE FROM DEALINGS

@ Suspension is of two types:

1. The first has been established in Sacred Law for the interests of others, such as the suspension of a bankrupt person in the interests of his creditors, or the suspension of the person putting up collateral from dealing in it, in the interests of the person who has accepted it.
2. The second has been established in the Sacred Law in the interests of the suspended person and this is the type of suspension the author refers to in the following.

@16.13.1 Children's disposal of their property is invalid:

It is not permissible for a child or insane person to dispose of their own property, if they did so then the transaction is considered legally invalid to protect them from loss. The fact that a person is a child, male or female, even if at the age of discrimination (14.1.2), negates the legal efficacy of whatever he/she says, as well as his/her legal authority over others, both in respect to transactions such as sale, nor religion, since it requires full capacity for legal responsibility (taklif, dis: 8.8.1) and this state continues until he/she reaches puberty. Insanity similarly negates the legal efficacy of whatever the insane person says, as well as his

legal authority over others. His/her Islam is not valid, nor his/her leaving Islam (9.8), nor are his/her dealings, as previously mentioned.

Also suspended from commercial dealings is the foolhardy person (safih), meaning a spendthrift who is chronically careless with his/her money. In the schools of Shafi'i and Ahmad, this class also includes those who are careless about their religious obligations, as they too are considered too foolish to deal in their own property.

@16.13.2 Guardian conducts his charge's affairs:

A guardian conducts such a charge's affairs, the guardian being:

1. the charge's father;
 2. the paternal grandfather, if the father is deceased;
- It is a necessary condition that the guardian, must be at least outwardly, an upright person (9.24.4).
3. if neither father nor paternal grandfather is alive, then the person designated by the guardian's will (wasiyya, def: 23.3) to take custody of the charge;
 4. if no one has been designated by the will, then the Islamic magistrate or his representative.

@16.13.3 The guardian's disposal of his charge's property:

The guardian deals with the charge's property to the charge's best financial advantage and is entitled to sell it for needs that arise, such as when he does not have enough to cover his charge's expenses and clothing.

@16.13.4 If the guardian claims to have spent his charge's property to cover the charge's expenses, or claims that the property has been destroyed by an act of God, but and not through his negligence, his word is accepted without having to swear an oath.

However, if the guardian claims to have given the property to the charge of the child who has reached maturity or the insane person who has regained his/her sanity, then his word is not accepted. This is because of the ease with which he could have legally established that he gave the property to his charge at the time of doing so. If the guardian did not obtain witnesses to observe the property being handed over, he is guilty of remissness for neglecting to have it witnessed.

@16.13.5 End of suspension from dealing:

Suspension from dealings ends, without a ruling from the judge, when a child reaches puberty and mental maturity, meaning that he/she:

- (a) is physically mature;
- (b) shows religious sincerity;
- (c) and is competent to handle his/her own property.

Suspension ends for an insane person when he/she regains his/her sanity, shows religious sincerity, and displays competence in handling his/her property.

Religious sincerity means that a person performs acts of obedience and avoids disobedience and the unlawful.

Competence in handling one's property means that one does not waste it by losing it, for example, in buying something outrageously overpriced. Both of the preceding traits (b) and (c) are the criteria for maturity according to Imam Shafi'i. However, Abu Hanifa and Malik hold that competence in handling property is sufficient.

@16.13.6 Testing financial competence:

A charge is not give his/her property until his/her competence in handling it has been tested before puberty in a manner appropriate to him/her. For example, a merchant's son, after having been given money is tried at striking a bargain in dealings, but not the actual concluding of the deal, which is done by the guardian.

An examination is also made of the charge's religion, by observing whether he/she performs acts of worship, avoids acts of disobedience, shuns the unlawful, and is wary of things that are doubtful (dis: 21.16.1).

It is necessary for this testing to be repeated more than once.

@16.13.7 If the suspended person reaches puberty or regains his/her sanity but is corrupt in his/her religion or incompetent in financial dealings, then his/her suspension continues and he/she is not permitted to deal in his/her property by selling or anything else with or without his/her guardian's permission, though if the guardian permits him/her to marry, the marriage is valid.

If the suspended person reaches puberty with religious sincerity and financial competence, but subsequently squanders his/her wealth, then he/she is re-suspended by the Islamic magistrate not the guardian.

If the person becomes morally corrupt after having reached puberty, he/she is not re-suspended provided his corruption does not involve spending money on what is unlawful, though if it does, he/she is suspended from dealing.

@16.13.8 Meaning of puberty: Puberty applies to a person after the first wet dream, or upon becoming fifteen lunar years old, or when a girl has her first menstrual period or pregnancy.

@*Chapter 16.14.0: TRANSFERRING THE RIGHT TO COLLECT A DEBT (Hawala)

@ In the Sacred Law, a transfer is an agreement that moves a debt from one person's responsibility to that of another.

Given three persons, X (al-muhtal), Y (al-Muhil), and Z (al-muhal `alayhi) where X loans Y a dirham, and Z already owes Y a dirham, so Y transfers the right to collect the old debt that Z owes him to X, instead of repaying X for the new debt. Such transfers have six integrals:

- (a) Y;
- (b) X;
- (c) Z;
- (d) Y's debt to X;
- (e) Z's debt to Y;
- (f) Y's spoken offer and X's spoken acceptance.

@16.14.1 Conditions for validity: It is a necessary condition for the validity of transferring a debt that Y wishes to do so, and that X accepts. It is not necessary that Z wishes it.

The agreement also requires a form, which is the spoken offer and acceptance (16.1.1), meaning Y's offer and X's acceptance.

@16.14.2 Such a transfer is not valid unless Z owes Y a debt and Y owes X a debt.

A transfer is valid respecting a legally binding debt owed to X for another legally binding debt Z owes to Y, provided:

- (a) that X and Y know what is being transferred i.e. gold, silver, or wheat for what;
- (b) that X and Y know that the two debts are homogeneous in type, such as money for money, or wheat for wheat, and in amount. However, if Y owes X five, and Z owes Y ten, and Y transfers the right to collect five of it to X, then this is valid;
- (d) that X and Y know whether the debts are currently due or payable in the future. The two debts may differ in this respect if both parties agree.

@16.14.3 Validity of transfers unaffected by collateral etc:

The validity of a transfer is not affected by the existence of collateral (16.11) or of a guarantor (16.15) as security for one of the debts. However, the occurrence of the transfer eliminates either form of security, the guarantor being relieved of any responsibility and the collateral no longer being collateral.

@16.14.4 Benefit of a transfer:

Through a valid transfer, Y no longer owes X a debt, Z no longer owes Y a debt, and the debt owed to X becomes the responsibility of Z.

If X is unable to collect the debt from Z because Z is bankrupt or denies the existence of the debt or for some other reason, such as Z's death, then X is not entitled to go back to Y to collect it, rather it is as though X has accepted a remuneration for the debt, which was subsequently destroyed in his possession.

@*Chapter 16.15.0: GUARANTEEING PAYMENT (Daman)

@ Linguistically, "guarantee" means ensuring implementation, and in the Sacred Law it means to ensure a financial obligation which is another's or ensure the appearance of a particular person whose presence is required.

Given three persons, P (al-madmunlahu), Q (al-madmum 'anhu), and R (al-damin) where P loans Q a dirham, and R guarantees to P that either Q will repay it or else he, R, will repay it. Such guarantees have five integrals:

- (a) R;
- (b) P;
- (c) Q;
- (d) the debt covered;
- (e) and the form of the agreement.

@16.15.1 Guaranteeing another's financial obligation:

It is a necessary condition for the validity of guaranteeing payment that R has full right to manage his own property. It is not valid from a child, someone insane, or a foolhardy person (16.13.1), though it is valid from someone suspended for bankruptcy.

@16.15.2 It is a condition for the validity of a guarantee that R knows P, though it is not necessary that P agree to it.

It is not necessary that Q agrees, or that R knows Q

@16.15.3 It is necessary that the guaranteed debt is a financial obligation (dayn, dis: 16.9.2) that is existent. This is because it is not valid to guarantee a debt before it exists, such as "tomorrow's expenses", and must be determinately known in terms of amount, type, and description.

@16.15.4 It is necessary that R makes the guarantee in words or their written equivalent, with the intention that implies he is effecting it, such as "I guarantee your debt that so-and-so owes you", "I will cover it," or the like. These are explicit expressions in that they mention the guaranteed financial obligation. When it is not mentioned, the expression is allusive, which is valid provided the financial obligation is what is intended, and the speaker knows how much it is, otherwise allusive expressions are not valid.

It is not valid to base the implementation of a guarantee on a condition, such as saying, "When Ramadan comes, I hereby guarantee it." Nor is it valid to make it subject to time stipulations, such as saying, "I guarantee what so-and-so owes for one month, after which I no longer guarantee it."

@16.15.5 When a seller has accepted the price of something, it is valid for someone to guarantee the buyer his money back if the merchandise should prove to belong to another or to be defective.

It is likewise valid for someone to guarantee to the seller that the merchandise will be returned if the price paid for it should turn out to belong to someone other than the buyer.

@16.15.6 Debt is collectable from both debtor and guarantor:

P is entitled to collect the guaranteed debt from R and Q by asking both of them or either for the full amount, or one of them for part of it and the other for the rest of it.

If another guarantor guarantees the debt for R by saying to P, "I guarantee Q's debt to you for R", then P is entitled to collect it from all from Q, R, and the new guarantor.

@16.15.7 If P asks for payment from R, then R is entitled to ask Q to pay the debt, provided that Q had given his permission to R before R guaranteed it.

@16.15.8 Creditor canceling debt or guarantee:

If P cancels the debt Q owes him, then R is also free of the obligation to pay P. But if P cancels R's obligation to cover Q's debt, then Q is not thereby free of the debt he owes P.

@16.15.9 If R pays Q's debt to P, then R can collect it from Q, provided that Q had given his permission to R before R guaranteed it. But if Q had not given his permission to R to guarantee it, then R is not now entitled to collect it from Q, no matter whether R paid it off with or without Q's permission.

@16.15.10 Guarantor collecting from a debtor after payment:

It is not valid to guarantee delivery of particular articles ('ayn) as they are not financial obligations (dis: 16.9.2), such as something wrongfully taken, or articles loaned for use, i.e. "guaranteeing" they will be returned to their owner.

@16.15.11 Guaranteeing another's appearance:

It is permissible for R to guarantee that Q will appear in person in court provided:
(a) that Q owes someone something or is liable to punishment for a crime against another person, such as when the other is entitled to retaliate (9.1-03) against Q, or when Q has charged someone with adultery without evidence (9.13);
(b) and that Q gives R permission to guarantee his appearance.

It is not valid to guarantee Q's appearance if Q's crime is against Allah, the Most High such as drinking alcohol, adultery, or theft.

@16.15.12 If R guarantees Q's appearance but does not specify when, he is required to produce Q at once. But if R stipulates a certain time, then he is required to do so at that time.

If Q disappears and his whereabouts is unknown, R is not required to produce Q until he knows where Q is.

When R knows where Q is, then R is given time to travel to where Q is and return. If R does not bring Q, then R is under arrest, though he is not responsible for Q's unfulfilled financial obligations.

If Q dies, the guarantee is nullified, though if R is asked to produce Q's body before burial to verify its identity, there is an obligation upon him to do so if possible.

@*Chapter 16.16.0: PARTNERSHIPS (Sharika)

@16.16.1 Partnership:

Partnership is valid with anyone having full right to dispose of his own property.

@16.16.2 Cooperative partnership:

There are four kinds of partnership (dis: 16.16.9) of which one alone, cooperative partnership, is valid. It consists of each of the two or more partners putting up capital, which must be either money or a fungible commodity typically transacted measure for measure (mithli, def: 16.20.3) as opposed to goods appraised and sold as particular pieces of merchandise (mutaqawwim), which cannot form the basis of a partnership because it is impossible to mix each partner's share with the other's (dis: below).

@16.16.3 Conditions for validity:

It is a condition for the validity of a cooperative partnership that the two shares of capital put up by the partners is inter-mixed such that it is impossible to tell them apart.

@16.16.4 (has not been translated)

@16.16.5 It is a necessary condition that each partner gives the other his permission to handle the capital that they have put in common.

Each partner must deal in a way that realizes their common capital's best advantage and maximal safety. Therefore, neither partner may travel with the shared capital, because of the danger in travelling, or sell for postponed payment unless the other partner gives him permission, in which case either of these are permissible.

@16.16.6 Profits proportional to the capital each invests:

It is not necessary that the two shares of capital put up by the partners be equal in amount.

In the Shafi'i school, both profits and losses are divided between the two partners in proportion to the percentage of the shared capital each of them put up, even if

there is a difference in the amount of work that each does. If they stipulate otherwise, the partner who put up two hundred, for example gets two-thirds, while the partner who put up one hundred gets one-third; or stipulating that each gets an equal share, despite having put up unequal amounts.

The Hanafis and Hanbalis hold that it is permissible for the distribution of profits to be disproportionate to the amount of capital each invests, corresponding to the disproportionate amount of work each puts into the venture, or any other division of the profits which they both agree upon.

@16.16.7 If partner A forbids partner B to handle the shared capital, then B is not entitled to handle it, though A is still entitled to handle both shares, one of which is his by ownership, and the other by permission of his partner, until B forbids him to handle it.

@16.16.8 Canceling the partnership:

Each partner is entitled to cancel the partnership whenever he wants and it is also cancelled by the death or insanity of either or both partners.

@16.16.9 Invalid types of partnership:

The following types of partnerships are not valid:

1. manual partnership (*sharika al-abdan*), such as the partnership of two porters or other workers agreeing to divide their earnings between them. However, this type of partnership is valid in the Maliki, Hanbali schools;
2. well-known partner partnership (*sharika al-wujuh*) such as of two individuals who put up no capital, but have good reputations among people which create confidence and enable them to purchase trade goods for a deferred payment. In which case the profits from the sale of which they agree are to be divided between them (*Mughni al-muhtaj ila ma'rifa ma'ani alfaz al-Minhaj* (y-73), (*ibid* 2.212).
3. and comprehensive partnership (*sharika al-mufawada*). This is an agreement by which the partners share whatever they each earn from their respective, separate funds and labor, mutually covering the financial liabilities incurred by either (*ibid*. 2.212).

@*Chapter 16.17.0: COMMISSIONING ANOTHER TO DO SOMETHING
(*Wakala*)

@ Given persons X (*al-muwakkil*) and Y (*al-wakil*) where X and Y article to sell for him. This section deals with commissioning others to carry out such requests, which have four integrals:

- (a) X;
- (b) Y;
- (c) the act that is being commissioned (*al-muwakkal fihi*);
- (d) and the words by which X commissions Y to do it).

@16.17.1 Who may commission:

It is a necessary condition that both X and Y have full right to perform the act being commissioned, though it is permissible to commission a child to let people into one's house or take a gift to someone.

@16.17.2 Things one may commission others to do:

X may commission Y:

1. to conclude contracts on X's behalf such as a sale, gift, putting up collateral, conducting a marriage contract, guaranteeing payment, or transferring a debt;
2. to cancel contracts on X's behalf such as canceling a sale or returning defective merchandise;
3. to conduct X's divorce;
4. to make claims by lawsuit against others, as lawyers do;
5. to ensure fulfillment of established claims from whosoever owes them to X, after they have been established by proof;
6. or to take possession of something that is free to take, such as wild game, pasturage, or water by Y conveying it from land which X is permitted to take it from, since this is a way of gaining property just as sale is.

@16.17.3 It is not permissible for Y to undertake obligations of worship that X owes Allah, the Most High, except for:

1. distributing zakat to deserving recipients or giving food or alms as an expiation, or voluntary charity;
2. performing Hajj or 'umra, which another may perform on the behalf of an invalid or a deceased person;
3. and slaughtering sacrifices (dis: 21.12.6, and 21.14.3).

@16.17.4 It is permissible to commission Y to perform an obligation to Allah that consists of inflicting a prescribed legal penalty (hadd). For example, penalties for the crimes of accusing another of adultery without proof (9.13), adultery, or drinking, but is not permissible to commission Y to establish that such an obligation exists such as by X telling Y, "I commission you to affirm in court, by Y submitting X's testimony that so-and-so has committed adultery," or "that so-and-so has drunk wine".

@16.17.5 Spoken proposal and acceptance:

It is a necessary condition for the validity of X's commissioning Y that there is:

- (a) a spoken proposal indicating X's wish for Y to handle some matter for him that does not restrict the fact of there being a commission by giving conditions under which the commission takes effect such as saying, "If so-and-so comes, I hereby commission you," which is invalid, but rather, a valid commission must be such as saying, "I commission you, " or "Sell this garment for me";
- (b) and an acceptance by Y, whether this is in word or deed, i.e. by Y simply doing what he has been asked to, it is not necessary that his acceptance take place immediately.

@16.17.6 Stipulations about carrying the act out:

When X validly commissions Y to do something, X may include stipulations about how it is to be carried out, such as saying, "I commission you, but don't sell it until after a month." The previous ruling prohibits stipulations restricting the fact of Y being commissioned Y and his stipulations just govern how Y is to do it. A temporary commission, such as saying, "I commission you for one month," is also valid.

@16.17.7 Agent commissioning a third party to do the act:

Y may not commission another to perform what X has commissioned Y to do unless X either gives Y permission to commission another, or Y cannot undertake the task or it does not befit him, or he is incapable of it because it is too much for a single person to perform.

@16.17.8 Agent's discretionary powers:

Y is not entitled to sell an article he has been commissioned to sell to himself or his underage son, nor is it valid to sell it for:

1. less than the current price of similar articles;
2. a deferred payment;
3. for other than the type of money used locally;

though Y may do (1), (2), or (3) if X grants him permission to do so.

@16.17.9 Act commissioned must be determinately known:

Y's sale of the commissioned article is not valid when X specifies the type of funds he wants as its price, but Y sells it for a different type, such as when X says, "Sell it for a thousand dirhams," but Y sells it for a thousand dinars. But Y's selling it is valid if X specifies the amount he wants and Y sells it for more, provided the type of funds is the same, as when X says, "Sell it for a thousand," but Y sells it for two thousand, unless X has specifically prohibited this in which case the sale would not be valid, as it contravenes X's commission.

@16.17.10 If X commissions Y to "buy such and such a thing for a hundred," but Y buys one worth a hundred for less than a hundred, then the purchase is valid. But if Y buys one for two hundred that is worth two hundred when X has commissioned him to buy one for a hundred, then the purchase is not valid. If X tells Y, "Buy a sheep with this dinar," and describes it in type and so forth, since without such a description, the commission would not be valid, but Y buys two sheep with that dinar of which each one is worth a dinar, then the purchase is valid and both sheep belong to X, though if the sheep are not each worth a dinar, then the purchase is not valid.

@16.17.11 When X commissions Y to sell something to a particular person, it is not permissible or valid for Y to sell it to another.

@16.17.12 When X tells Y, "Buy this particular garment," and Y buys it and X finds it is defective, then Y may return it for a refund and so may X, since he is its owner. But when X tells Y to "buy a garment" without further restriction, then it is

not permissible for Y to buy a defective one because the lack of further restrictions is understood to mean being free of defects, and if Y buys a defective one, the purchase is invalid.

@16.17.13 To "handle all my affairs" is not valid:

It is a necessary condition that the thing Y is being commissioned to do is determinately known to X and Y in some respects. Therefore, if X says, "I commission you to sell my property and conduct the divorce of my wives," his commission is valid, though if he just commissions Y to "handle everything large or small," or "all of my affairs," it is not valid.

@16.17.14 Agent's negligence:

Y's responsibility in a commission is that of someone who has been given a trust since he represents X, and his possession of the article is like X's meaning, that if X's property is destroyed without negligence while in Y's possession, Y does not have to pay for it. But when Y is to blame and negligent, when he uses the article himself or keeps it in a place lacking the normal precautions for safeguarding similar articles, then he must pay for its loss, as with any trust.

@16.17.15 Court disputes about the commissions:

Y's word (dis: 16.8.2) is accepted over X's when there is a dispute:

1. concerning the commissioned article's destruction;
2. as to whether the article was or was not returned to X;
3. or whether Y betrayed his trust.

@16.17.16 Canceling the commission:

Either X and Y may cancel the commission at any time. If X relieves Y of his commission, but Y does not learn of this and performs it, then what he has done is not legally binding or effective because he did not have the right to handle the matter.

@16.17.17 The commission is cancelled when X and Y dies, loses his sanity, or loses consciousness (ughmiya 'alayhi, i.e. through other than falling asleep).

@*Chapter 16.18.0: DEPOSITS FOR SAFEKEEPING (Wadi'a)

@ Given persons P (al-mudi') and Q (al-wadi') where P deposits an article with Q for safekeeping until such time as P should want it back. Such deposits have four integrals:

- (a) the article (al-wadi'a);
- (b) the verbal agreement;
- (c) P;
- (d) and Q.

@16.18.1 Who may make deposits:

Deposits for safekeeping are only valid when both P and Q have the full right to handle their own property.

If a child or a foolhardy person (16.13.1) deposits something for safekeeping with an adult, he should not accept it. If he does, then he is responsible for it and must cover the cost if it is destroyed. He is not free of the responsibility until he returns it to the child's guardian. He is not free of the responsibility if he returns it to the child.

If an adult deposits something for safekeeping with a child, then the child is not responsible if the article is destroyed through negligence or otherwise, however, if the child destroys the article, he is financially responsible for it.

@16.18.2 When deposits should be accepted:

It is unlawful for Q to accept a deposit for safekeeping when he is not able to protect it. It is offensive for him to accept it if he is able to protect it but cannot trust himself and fears he may betray the responsibility. However, if he can trust himself, it is desirable and praiseworthy for him to accept it.

@16.18.3 If Q accepts a deposit for safekeeping, there is an obligation upon him to keep it in a place that meets the normal specifications for safeguarding similar articles in his town and this varies according to the nature of the article deposited, as each thing has precautions proper to its safeguarding (dis: 9.14.3).

@16.18.4 When the custodian wants to travel, etc:

If Q plans to travel or fears he may die, he must return the deposited article to P.

If Q cannot find P or someone commissioned by P to manage P's affairs, then he must deliver it to the Islamic magistrate who keeps it for P. If there is no Islamic magistrate then Q leaves it with a trustworthy person, and there is no obligation upon him to delay his trip.

If Q deposits the article with a trustworthy person when there is an Islamic magistrate, he is still financially responsible for it.

If Q fails to take the above precautions that enable him to return the trust to its owner or the next most appropriate person available, and he dies without having provided in his will for the return of the article, or Q travels with it, he is financially responsible for it, unless:

- a. he dies suddenly,
- b. looting or fire breaks out in the city,
- c. he travels with it because of being unable to give it to any of the above persons.

@16.18.5 Meaning of the obligation to return an article:

Whenever P asks for the return of the deposited article, there is an obligation upon Q to return it by allowing P to take it. However, Q does not have to transport it to P.

@16.18.6 Situations in which the custodian must pay for an article:

Q is financially responsible for the deposited article if:

1. without excuse, he delays allowing P to take it;
2. he deposits the article or safekeeping with a third party, without having had to travel and when there was no need;
3. he mixes the deposited property with his own property or with some of P's other property such that the deposited property is no longer distinguishable from what it has been mixed with;
4. he takes the article out of the place of safekeeping to use, even if he did not use it; as this is a betrayal of his trust;
5. he does not keep it in a place meeting the normal specifications for safeguarding similar articles;
6. or if P has told him, "Keep it in such and such a particular place for safekeeping," but he instead puts it in a different place less protected than the one P designated, even when this second place meets the normal specifications for safeguarding similar articles. However, if Q puts it in a different place with protection equal or superior to the place P has indicated, Q is not responsible for it.

@16.18.7 Canceling the safekeeping agreement:

Either party may cancel the safekeeping agreement at any time. The agreement is also annulled when either party dies, loses his sanity, or loses consciousness (ughmiya `alayhi), other than falling asleep.

@16.18.8 Court disputes as to the custodian's negligence:

Q's responsibility in accepting a deposit for safekeeping is that of someone who has been given a trust. When Q swears an oath and neither party has proof (dis: 16.8.2) his word is accepted over P's when there are disputes about:

1. whether the deposit for safekeeping was actually made and P claims that it was;
2. whether the article was returned to P;
3. or whether and how the article was destroyed when Q claims it was.

If after swearing Q says, "You did not deposit anything with me," or "I returned it to you," or "It was destroyed without negligence on my part," then his word is accepted.

@16.18.9 Deposits must be stated in words:

It is a necessary condition for the validity of a deposit for safekeeping that P states it in words such as "I entrust it to you to keep," or "I entrust it to you to protect." It is not necessary that Q give a spoken reply to this, but is sufficient for him to simply accept the article.

@*Chapter 16.19.0: LENDING SOMETHING FOR USE ('Ariyya)

@ Given persons A (al-mu'ir) and B (al-musta'ir) where A lends B an article to use and return after use.

This section discusses such loans, which have four integrals:

- (a) the article (al-`ariyya);
- (b) the verbal agreement;
- (c) A;
- (d) and B.

@16.19.1 Who may lend something:

A's lending an article for B to use is valid if A possesses full disposal over his own property and has the lawful right to the article's use, even if he is only renting. However, if someone else has lent A an article without giving him permission to re-lend it (16.19.8) then it is not valid.

@16.19.2 What may be lent:

It is permissible to lend anything that can be benefited from while the article itself still remains.

@16.19.3 Spoken agreement:

It is necessary for the validity of lending something for use that either A or B state the agreement in words. The loan is not valid except by either A or B stating it, such as by B telling A, "Loan me such and such." and then A giving it to him. The action alone, between A and B, is insufficient.

@16.19.4 How the article may be utilized:

B may use the article according to the permission given.

He may:

1. do what A has given him permission to;
2. or do the equivalent or less, in respect to the wear and tear on the article involved. However, if A has forbidden B to do other than what he has specifically given him permission to do the article must not be used.

If A tells B, "Plant wheat," on the land that was lent, then it is permissible for B to plant barley, though not vice versa because wheat is harder on the soil than barley. If A permits B to plant, without further restriction B may plant whatever he wishes.

@16.19.5 Lender may take back the article at any time:

When A permits B to plant an orchard or build buildings on property he lends B, but later wants the land back, then:

1. if A had stipulated that B would have to remove the trees or buildings, then B must remove them. If B refuses to remove them then A may do so.
2. but if A had made no stipulations, then if B wishes, he may remove them, though if B does not but rather chooses to keep them there, then A has a choice between leaving them on the land for rent from B for the land, or else removing them (the trees or buildings) and there is an obligation upon him to pay B a compensation for the loss of value to the trees or buildings caused by removal.

A is entitled to take back the article lent at any time he wishes.

@16.19.6 Borrower's financial responsibility for article:

B is financially liable for the article that he borrowed, even if it is destroyed by an act of God.

If it is destroyed while B is using it for other than what A gave him permission to do with it, even if not through B's negligence, then B is responsible to A for the article's value at its current market price on the day of its destruction. B may either replace the article or pay A for it.

However, if the loaned article wears out through being used in the way that A gave permission to use it; then B is not financially responsible for it.

@16.19.7 Borrower's responsibility to return the article:

B is responsible for the measures entailed in returning the article to A.

@16.19.8 Borrower's may not lend the article to another:

B may not loan the article lent to him to a third party without A's permission.

@*Chapter 16.20.0: RETURN OF WRONGFULLY TAKEN PROPERTY (Ghasb)

@ Taking another's property is a major sin (dis: 10.20), the scriptural basis for its prohibition being Koranic verses such as the word of Allah, the Most High, "Do not consume your wealth between you in falsehood" (Koran 2.188).

Given persons X and Y where X takes an article belonging to Y. This section presents the details of X's obligation (dis: 10.77.3) to restore Y his property.

@16.20.1 Meaning of wrongfully taking:

Wrongfully taking (ghasb) means to appropriate what is another's right even if this consists of the right to use something, such as forcing someone sitting in a mosque or marketplace to get up from his place.

@16.20.2 Returning property is obligatory:

When X wrongfully takes anything of value from Y, even if the value is inconsiderable, there is an obligation upon him to return it unless this involves destruction to life or lawful property, as when X takes an article and nails it over a leak in the hull of a ship at sea that is bearing others' property or worthy people or animals.

@16.20.3 Property destroyed in taker's possession:

If the article taken is destroyed while in X's possession or X himself destroys it, then:

1. if it was fungible (mithli) - meaning that which is measured by volume or weight and can be validly sold in advance (def. 16.9-2) - a homogeneous commodity

transacted by weight or measure, an equal amount of which precisely supplies the place of another, then X is financially responsible for replacing it with an equal amount.

2. if the article was fungible (mithli) but it is no longer possible for X to obtain an equal amount to return to Y, then X owes Y its value, which is reckoned at its highest market value between the time X seized it and the time of its subsequent unavailability;

3. but if the article was nonfungible (mutaqawwim), meaning commodities appraised and transacted as particular pieces of merchandise such as livestock and articles of heterogeneous composition, like meat pastry, and so forth; X owes Y its highest market value during the interval between X's taking it and the time of its destruction.

The foregoing apply to when X has appropriated a physical article or commodity ('ayn). As for when he has wrongfully appropriated the use of something, the obligation consists of repaying Y the cost of renting a similar article for a similar amount of time.

@16.20.4 Court disputes about the property:

X's word, provided that neither side has proof (dis: 16.8.2) and he swears an oath is accepted over Y's when there is a dispute about the destroyed article's value when both agree that it has been destroyed, or about its destruction. But Y's word is accepted over X's when there is a dispute about whether or not X returned the article to Y.

@16.20.5 Defects etc, in returned property:

If the property returned by X is materially diminished or has depreciated in value because of some new defect, or both, then it is obligatory to pay Y compensation for the loss of value and the obligation to return the rest remains.

But if the article has diminished in value solely because its market price is now less, then X is not required to pay anything.

@16.20.6 If the article possesses a utility, meaning a rentable utility such as a house does, then X owes Y its rent for the period that X had it, regardless whether or not he used it.

@16.20.7 Subsequent receiver of property equally responsible:

Anyone who obtains a wrongfully appropriated article from X, or subsequently obtains it from the person who got it from X, and so forth, on down, is financially responsible (16.20.2-6) to Y for it, no matter whether such a person knows if has been wrongfully appropriated or not.

@16.20.8 Receivers' liability when property is damaged:

Given persons X, Y, and Z, where X has wrongfully taken something from Y, and then Z obtains it from X. This ruling describes the compensation due to Y when the article has been damaged or destroyed in Z's possession.

Y is entitled to demand restoration or payment for the loss or depreciation of the article from either X or Z. The obligation to cover this becomes Z's own financial liability, meaning that if Y asks Z for compensation, Z may not in turn demand it from X; though if Y asks X for it, X may in turn demand it from Z in the following cases:

1. when Z obtained it knowing that it had been wrongfully appropriated;
2. when Z obtained it not knowing that it had been wrongfully appropriated, but the means by which Z obtained it would have made him financially responsible for its destruction anyway, as when Z himself wrongfully appropriated it or borrowed it for use (16.19) from X. Z is also financially liable if he bought it from X;
3. or when Z obtained it not knowing it had been wrongfully taken, and the means by which he got it from X would not otherwise have made him responsible for its destruction except for the fact that he himself precipitated its destruction, as when X deposits it with Z for safekeeping and Z destroys it.

@*Chapter 16.21.0: PREEMPTING SALE OF A CO-OWNER'S SHARE TO ANOTHER (Shuf'a)

@ Given P, Q, and R.

P and Q each own part of some dividable piece of real estate, and P sells his part to R who is a third party. In such a case, Q can legally force R to sell the part to him by right of preemption.

@16.21.1 Preemption is only legally binding:

(a) on a portion of real estate that belonged to P and Q which can be divided without loss of value;

(b) when P has sold his part to R for recompense.

In such a case, Q may preempt its being sold to R by buying R's share for the price that P and R agreed on. If there are several co-owners in place of Q, they each buy a part of the share proportionate to the percentage of the whole property they respectively own.

If there is disagreement between the parties as to how much P sold it to R for, and there is no proof, then R, after he has sworn, is the one to say how much the price of the part was.

@16.21.2 It is a necessary condition for the pre-emptive sale that Q effect it with words such as "I hereby appropriate this property by preemption."

It is also necessary that Q gives R the price, that R agreed to let Q pay it later, or that the Islamic magistrate rule that Q may buy the property by preemption; in any of which cases Q takes possession of it.

If R paid P with something fungible (mithli, def: 16.20.3), meaning that which is measured by volume or weight and can be validly sold in advance, then Q must pay R an equal amount. If R paid with something non-fungible, then Q must pay its value on the day of the sale.

@16.21.3 Cases in which preemption is invalid:

There is no preemption if:

1. the property is already divided by boundary markers or similar;
2. the building and trees on the land are sold separately from it;
3. the property cannot be divided without eliminating its usefulness (16.21.1), such as a cistern or a narrow walkway;
4. R acquired it without paying a price for it, as when it has been given to him as a gift;
5. or if R bought it with a price whose amount was not known, for example "for this pile of silver you see".

@16.21.4 If the building and trees have been sold with the land for one price, then Q also takes them as part of the land he preempts.

@16.21.5 Immediacy is a necessary condition for preemption:

Preemption must occur immediately upon Q's learning of P's having sold the property to R. When Q learns of it, he must preempt at once (14.4.5). If he delays without excuse, he no longer has the right to preempt, unless R bought the property from P for postponed payment, in which case Q has a choice between buying it at once, or waiting until payment is due and then buying it.

If Q learns of the sale when he is ill, or being denied, he must commission someone (16.17) to preempt for him. If he does not, he loses the right to preempt, unless:

- a. he was unable to commission someone,
- b. the person who informed him of the sale was a child, or someone unreliable,
- c. he was informed of it while travelling and then started returning in order to preempt;

in these cases he may still preempt.

@16.21.6 Buyer's disposition of property before preemption:

If R has built, or planted trees before Q could preempt, then Q has a choice between paying R the value of the new buildings or trees, and taking possession of them, or else removing them and paying R for the loss of their value as a result of them being removed.

If R has given away the part of the property that he bought from P or made it a charitable endowment (waqf) (def; 16.30), or sold it, or returned it to P because of a defect, then Q may annul any of the transactions that R has effected.

Q also has the right to take the property from the person who bought it from R, by paying the person the amount for which he bought it.

@16.21.7 If Q dies before he is able to preempt, his heirs can preempt. If some of them decline to do so, the rest of the heirs may still preempt the entire portion, or may relinquish the right to preempt any of it.

@*Chapter 16.22.0: FINANCING A PROFIT-SHARING VENTURE (Qirad)

@: Given persons X (al-malik) and Y (al-`amil) where X gives Y a sum of money for Y to do business with, on the basis that X will take a percentage of the profits. Such ventures have six integrals:

- (a) X;
- (b) Y;
- (c) the work performed by Y;
- (d) the profit divided between them at a given percentage;
- (e) the spoken form;
- (f) and the venture's capital which is put up by X.

@16.22.1 Conditions for validity:

Financing a profit-sharing venture (qirad) means:

- a. for X to give Y money with which to trade,
- b. the profits to be shared between them. It is not valid to finance such a venture on the basis that a third party gets any of the profit. It is only valid when both parties have full right to manage their own property.

It also requires that there is:

- (a) a spoken proposal by X, such as "I finance you," or "I engage you," or "Take these dirhams as a trade loan";
 - (b) an acceptance by Y in words. It is insufficient for him to begin working without saying anything;
- and that the invested capital is:
- (c) money (gold or silver);
 - (d) of known amount;
 - (e) physically existent so that it can be seen and handled, not a debt or financial obligation to be collected;
 - (f) delivered to Y. It is not valid to finance a profit-sharing venture on condition that the funds are held by someone other than Y, such as X holding them and paying for what Y buys, because Y might not find X when he needs him;
 - (f) that Y is given the funds in return for X's receiving a known fraction of the entire profit, such as a half or a third.

Financing a profit-sharing venture is not valid when:

- 1. the capital put up consists of commodities;
- 2. X holds the funds;
- 3. it is stipulated that either X or Y is specifically entitled to the profits from a certain part of the business, for example saying, "You get the profits from the clothing, and I get the profits from the livestock";

4. either X or Y is guaranteed, for example, ten dirhams of the profit because they might not make more than ten, in which case the second partner would get nothing. Rather, they must specify the percentage that each will take;
5. it is stipulated that one of them is entitled to all of the profit;
6. it is stipulated that X work with Y in the business.

@16.22.2 Manager's role:

Y's role is to conduct business and related matters with consideration for their best financial advantage and with care. Y may not sell at a loss, sell for deferred payment, or travel with the capital, and so forth, without X's permission.

@16.22.3 Financier may not impose conditions:

The agreement between X and Y is nullified whenever X stipulates something that is not obligatory for Y in such ventures, such as that Y buys wheat, mills it, and bakes it; that Y buys yarn, weaves it, and sells it; that Y does not deal except in such and such a rare commodity; or that Y deals exclusively with so-and-so.

@16.22.4 When such an agreement is invalid, the transactions Y has conducted are valid, and Y is paid the wages that are usual for such work, unless X had stipulated, "I get all the profits," in which case he takes all of it and Y gets nothing since he worked without expecting anything.

@16.22.5 When either X or Y cancels the agreement, loses his sanity, or loses consciousness (ughmiya `alayhi), then the agreement is annulled and there is an obligation upon Y to liquidate the holdings by changing them back into funds.

@16.22.6 Canceling the venture:

When neither party has proof, Y's word, after swearing (dis: 16.8.2) is accepted over X's when there are disputes:

1. concerning the amount of capital originally put up;
2. as to whether or not the capital was restored to X;
3. concerning the destruction of the holdings;
4. or as to whether Y betrayed his trust.

@16.22.7 If X and Y dispute as to how much of the profit was stipulated, for example, "half for me," and X replies, "to the contrary, it was one-third", then each party swears an oath supporting his own claim and X gets all the profit, and Y receives the wages customary for the work he did.

@16.22.8 Manager takes his shares at venture's termination:

Y does not own his share of the profit until the venture's final division. His possession of it is only finalized by dividing the profits when the holdings are liquidated and the agreement is terminated.

@*Chapter 16.23.0: WATERING GRAPES OR DATES FOR PART OF THE CROP

@*Chapter 16.24.0: SHARECROPPING (Muzara`a)

@ Sharecropping means to farm someone's land for a share of the harvest.

In the Shafi'i school, it is not permissible or valid except on strips of land between date groves under certain conditions, such as:

- (a) that the landowner provide the seed;
- (b) that it is not feasible to separate working the trees from working the ground;
- (c) and that the sharecropper be currently working the trees also, under the above (16.23) arrangement.

@16.24.1 (not translated)

@16.24.2 Three valid types in the Hanafi School:

Ahmad Quduri said that Abu Hanifa, may Allah have mercy on him, holds that sharecropping, for one-third or one-fourth of the harvest or anything less or more, is invalid. However, Abu Yusuf and Muhammad a colleague of Abu Hanifa holds it to be valid.

Sharecropping, in the view of the latter two, is of four types, three of them are valid and one invalid.

Given persons X and Y, and the four agricultural variables: land, seed, labor, and the means of plowing i.e. animal or mechanical:

1. X provides the land and seed, and Y provides the labor and animals/machinery; and seed; which is permissible;
2. X provides the land, and Y provides the labor, animals/machinery, and seed; which is permissible;
3. X provides the land, animals/machinery, and seed and Y provides the labor, which is permissible;
4. or X provides the land and animals/machinery, and Y provides the seed and labor; which is not valid.

A sharecropping agreement is only valid if the period of the agreement is determinately specified. It requires that the total produce is divided between the partners, not for example a specific number of bushels to one, or on condition that the produce from part of the land belongs to one of them and the produce from another part belongs to the other (al-Lubab fi sharh al-kitab (y-88), 2.228-30).

@*Chapter 16.25.0: RENTING THINGS AND HIRING PEOPLE (Ijara)

@ Given persons P and Q, where Q rents a pack animal from P, or hires P as a guide. The title of this section, "Ijara", has the dual significance of renting an article and hiring a person's services.

Linguistically, rent is a name for the rental fee. In the Sacred Law it means to take possession of a utility or service for payment under certain conditions. It has four integrals:

- (a) the spoken form;
- (b) the fee;
- (c) the utility or service;
- (d) and the persons making the agreement.

@16.25.1 Who may rent:

A rental agreement is only valid between two persons entitled to conduct sales (def; 16.1.2). It requires both a spoken offer, such as "I rent this to you." or "the use of it", and a spoken acceptance. The agreement must also specify how much the rental fee is.

@16.25.2 There are two types of rental agreements:

1. renting anticipated utilities or services described in advance and under obligation to deliver (ijara Thimma);
2. or renting the use or services of an identified thing or individual who is present (ijara 'ayn).

Rental of something anticipated (ijara Thimma) consists of Q saying, for example, "I am renting from you a pack animal of such and such a description," or "I am hiring you to tailor a garment for me, "or "to provide me with transportation to Mecca."

Rental of something identified and present (ijra'ayn) consists of Q saying, for example, "I rent this animal from you," or I hire you to sew this particular garment for me."

@16.25.3 Conditions for renting anticipated services:

It is a necessary condition for a valid rental of something anticipated (ijara Thimma) that P accepts the fee for it at the time the agreement is made.

@16.25.4 Conditions for renting present services:

The necessary conditions for a valid rental of something identified and present (ijara 'ayn) are:

- (a) that the article or person whose services are being rented be a particular individual meaning visible to the eye, as in sales;
- (b) that the article, or person's service is within P's power to deliver such that Q can utilize it as intended and is within one's power to deliver including both the actual ownership of an article and the possession of the right to use it, such that if Q is renting it from P, Q may in turn rent it out to a third party;
- (c) that Q have the right to utilize the article or services of the person hired as soon as the deal is made;
- (d) that the utility for which the article is being rented not entail the article's destruction;

(e) and that the agreement specify a rental period that the rented article will probably outlast, even if it is a hundred years, as in the case of land.

Rental of something identified and present (ijara'ayn) is invalid when it consists of:

1. hiring the services of "one of these two servants";
2. hiring someone absent from the place where the agreement is made;
3. renting land for agricultural use when the land is without water and the area's rainfall is insufficient for crops;
4. P renting out something that he is already renting to Q to a third party for the year following the current one, though Q may rent it for the following year since his rental period has not expired and the two periods are contiguous;
5. wax for fuel;
6. or renting out an article unlikely to last, for example, more than a year, for a period longer than that.

@16.25.5 Additional conditions for rental of something identified and present (ijara 'ayn) relating to its use or service are that its utility is:

- (a) permissible in the Sacred Law;
- (b) of some value;
- (c) determinately known as to which one it is, its amount, and its utility, meaning that both P and Q know these things, such as saying, "I rent you this land to raise crops on," or "I rent you this pack animal to carry such and such a quantity of iron, "or" of cotton";
- (d) for a period known to both P and Q;
- (e) and for a fee known to both P and Q, in type and amount, even when it is just seen in bulk, or when it consists of the use of some other utility or service.

Rental of something identified and present (ijara'ayn) is not valid when the utility for which it is being hired or rented consists of:

1. playing a flute;
2. transporting wine, other than to pour it away;
3. a hawker's cry that does not require any effort, even if it increases the demand for the merchandise;
4. carrying such and such a quantity on a pack animal when the nature of the load is unspecified;
5. being rented for "one dirham per month" when the total period of occupancy, for example is unspecified though one may renew a valid rent agreement each month, and in such a case the landlord has the right to ask for it in advance;
6. or hiring someone for the "fee" of providing him with food and clothing.

@16.25.6 Indeterminate service must be pre-estimated:

The particulars of the utility, such as its precise duration, might not become determinately known except through the passage of time. For example, as when renting a house or hiring a wet nurse. In such cases the time must be pre-estimated when the agreement is made, as a condition for its validity.

Similarly, the utility or service might not become determinately known except through the work itself, such as when hiring someone to perform the Greater Pilgrimage (Hajj) in one's place (dis: 21.1.10) or the like, in which case the amount of work involved must be pre-estimated.

If the utility requires both time and work to become determinately known, as is the case with tailoring, building, or teaching someone the Koran, then the utility is pre-estimated, i.e. stated in the rental agreement, with regard to one of these two variables alone. It is not valid to estimate the utility with regard to both, such as Q saying, "I hire you to tailor this garment for today's daylight hours" because the work involved might take more or less time than that.

@16.25.7 Owner provides things needed to use the article:

The necessary things required by Q in order to utilize, such as the key to a house, or the reins, girth, or saddle of a mount, are P's responsibility to provide. Things that just enhance or improve the utility for which Q has rented the article are Q's responsibility.

@16.25.8 Renter's use of article:

Q is entitled to the normal use of the article in obtaining the utility for which he has rented it or an equivalent utility, for example, riding a mount it in a different direction which is the same distance as the agreed upon and under the same conditions. If Q travels farther than the agreed upon destination, then he is obligated to pay the rental fee agreed upon, plus the amount customarily paid for a distance comparable to the excess.

@16.25.9 Paying in advance or deferring payment:

It is permissible only when renting something identified and present (ijara 'ayn) for Q to pay in advance or to defer payment to the future. If neither party states whether it is to be paid in advance or whether in the future, then it is payable in advance.

When renting anticipated utilities or services (ijara dimma), it is permissible to let Q use the utility prior to the agreed upon period, or to delay use until after the period.

@16.25.10 Destruction or damage to rented article:

When renting something identified and present (ijara 'ayn), if the article being rented is destroyed, the agreement is thereafter cancelled with respect to the future. This is because the article to be utilized is no longer available, as opposed to the period that has transpired after the article's delivery, for which Q must pay an appropriate proportion of the agreed upon fee, based on the current market value of similar utilities or services.

When renting an identified and present utility or service (ijara 'ayn), if a defect occurs in the article being rented, and the defect obviously entails a discrepancy in the rental fee, then Q has the option to cancel the agreement unless P immediately undertakes to correct or repair the defect. If he corrects or repairs the defect Q is not entitled to cancel it. However, if the rental agreement concerns an anticipated utility or service (ijara Thimma) and the rented article has been destroyed after its delivery, then the agreement is not nullified and Q may not cancel it, but is only entitled to ask P to replace the article so that Q can obtain the utility anticipated.

@16.25.11 Without renter's negligence:

If the material Q has hired P to work on, for example when Q hires P to tailor a garment from material Q has given him is destroyed in P's possession without his negligence, then there is no obligation upon P to pay for its loss.

If Q has rented an article from P and it is ruined in Q's possession without his negligence, then there is no obligation upon Q to pay for its loss.

@16.25.12 When the owner or renter dies:

If P and Q die while the rental agreement is in effect, it is not cancelled. If P died, Q finishes using the article, whereas if it was Q who had died, then Q's heirs finish utilizing it. Neither party has the right to cancel the agreement in such a case when the article itself still exists.

The death of either party is considered by the Hanafi school to nullify the agreement.

@16.25.13 When the rental period is over, Q must return the article rented and is responsible for the measures and expenses entailed in its return.

@16.25.14 Utilities considered obtained by delivery:

When P or Q stipulate a particular rental period or a specific use for the article, then when P has delivered the article to Q and the period stipulated elapses, or a period elapses that is sufficient for the utility stipulated to have been obtained from the article, even if it has not in fact been obtained, then the rental fee is due from Q and the article must be returned. This ruling holds for both renting something identified and present (ijara 'ayn) and renting something anticipated (ijara Thimma).

@16.25.15 Fees when rental agreement is invalid:

In an invalid agreement, Q owes P the amount typically paid for renting similar utilities whenever he would have owed P the agreed upon fee had the agreement been valid.

@*Chapter 16.26.0: JOB WAGES (Ja'ala)

@ Given persons X and Y, where X offers Y a dirham to do a certain job.

@16.26.1 When X says, "I owe whosoever builds me a wall a dirham" or makes a similar offer, this is termed job wages.

It is permissible that the particulars of such a job is unknown, though not the amount of the wage. Whosoever then builds the wall for X is entitled to the amount stated, even if they are a group of people.

@16.26.2 Fee must be stipulated:

There is no obligation to pay a wage to someone when no wage has been stipulated.

If X and Y a garment to clean, saying "Wash it," but does not mention a wage, and Y washes it, then Y deserves nothing unless it is a well known customary usage that Y should receive a fee, as when Y is a barber or presses clothes and the like. If Y says, "You stipulated a wage for me, "but X denies it, then X's word is accepted when there is no proof (dis:16.8.2) and he swears an oath.

@16.26.3 Both X and Y are entitled to cancel their agreement before the job is finished, but if X cancels it after Y has begun work then there is an obligation upon X to pay Y an appropriate portion of the wage agreed upon. If the job is half done, then X owes Y half the amount, and so forth.

If X cancels it before Y has begun, or if Y cancels it himself after having begun, Y gets nothing.

@*Chapter 16.27.0: LOST AND FOUND (Luqta)

@ Given Z, who finds an article lying on the ground and picks it up.

@16.27.1 When a responsible adult finds a lost article it is permissible for him to take or leave it.

@16.27.2 Who should pick up a lost article:

If he can trust himself to take the proper measures for such articles, it is recommended that he pick it up. However, if he cannot depend on himself not to betray the trust by simply appropriating the article without telling anyone what he has found, then it is offensive for him to take it.

@16.27.3 Recording details of finding:

It is recommended that the finder determine the type, description, and amount of the article he has found, its container, and the string with which it was tied and for him to have witnesses attest to his having found it.

@16.27.4 The following two kinds of articles are permissible to pick up for safekeeping (16.27.5) but unlawful to pick up as lost and found and should he do the latter, Z is financially responsible for the article:

1. something lost and found within the Meccan Sacred Precinct (Haram);
2. or an animal un-menaced by small predators, such as a camel or a horse lost and found on open range.

In other than these two cases it is permissible for Z to pick up the article, either for safekeeping or to be advertised and then appropriated.

@16.27.5 Picking up an article for safekeeping:

If Z picks up the article for safekeeping, he is not obligated to advertise having found it, and it remains in his care as a trust (16.17.14) and for which he is never entitled to dispose of in any way until he finds its owner and returns it to him.

If Z wishes to deliver it to the Islamic magistrate, the latter must accept it.

If Z picks up the article within the Meccan Sacred Precinct (Haram) for safekeeping, there is an obligation upon him to advertise that he has found it as described below.

@16.27.6 Picking up an article for appropriation:

If Z picks up an article intending to appropriate it if he cannot find the owner, then there is an obligation upon him in the customary manner to advertise it having been found for a complete year on the doors of mosques, in the marketplaces, and the vicinity where he found it.

At the first of the period he should publicize it morning and evening, then subsequently once a day, then once a week, then once a month, such that the first advertisement is not forgotten and that it is realized that the subsequent notices are repetitions of it. This is what is meant by "the customary matter" mentioned above.

Z should mention some of the article's characteristics in the advertisement, but not all of them so that a claimant is able to prove ownership by describing it in detail. If Z divulges all of the characteristics of the find and a pretender takes it, Z is financially responsible for its loss if the real owner should appear and the pretender cannot be found.

If the lost and found item is not something major, meaning something unlikely to cause much regret and which will probably be unsought after its loss, then it is not obligatory to advertise it for a whole year. However, one must advertise it long enough that its owner will probably have ceased to be concerned about it.

@16.27.7 Formal appropriation:

When Z has advertised a lost and found article for a year, it does not enter his possession until he chooses to appropriate it with a formal statement to that effect. The statement consists of saying, "I take possession of it," or something similar. Z takes possession of it when he chooses to do so. If it is destroyed before he chooses to appropriate it, Z is not financially responsible for its loss.

@16.27.8 If owner then appears:

If Z has appropriated the article and the owner appears, then the owner is entitled to take:

1. the article itself, if it still exists;
2. an equal quantity if it was fungible (Mithli) (16.20.3), meaning that which is measured by volume or weight and can be validly sold in advance.
3. its market value if it was non-fungible (mutaqawwim), where market value refers to the going price for similar articles on the day Z formally appropriated it;
4. or, if the article still exists but some defect has occurred in it, then the owner takes it back with an appropriate compensation (16.5.4).

@16.27.9 It is offensive for a corrupt person (9.24.3) to pick up a lost and found article. If he does, the article is taken from him and deposited with someone trustworthy, and a reliable person is dispatched to oversee the corrupt person's advertising (16.27.6) of the find, after which the corrupt person may appropriate it.

@16.27.10 When safekeeping is impractical:

In cases where safekeeping the article is not practicable as when it is a watermelon or similar, Z may choose to either eat or sell it and in either case he covers the cost if the owner should subsequently appear, after which he advertises finding it for a year if it something major, or less than a year (dis: 16.27.6 if minor.

If it is possible to preserve the article, as when it consists of dates, which are conserved by drying. If it is to the owner's advantage to sell it, Z sells it, whereas if it is to the owner's advantage to dry it, then Z dries it. In such a case, if Z wants to simply donate the cost of drying it to the owner, he does so. Otherwise, in the owner's interest, he sells part of the lot to cover the cost of drying the rest.

The difference between this and an animal found, of which all is sold, is that an animal's maintenance requires repeated expenditures that may add up to more than it is worth.

@*Chapter 16.28.0: A FOUNDLING CHILD (Laqit)

@ Foundling meaning a child found abandoned without anyone to care for it. The scriptural basis for these rulings is the word of Allah:

"Worship your Lord and do good" (Koran 22.77).

and, "And cooperate in righteousness and warding off (evil)..." (Koran 5.2)

@16.28.1 Nurturing a foundling child is communally obligatory:

Nurturing a foundling is a Communal obligation (8.3.2). A child that is found in a Muslim town is considered a Muslim. Likewise, when a child is found in a non-Muslim town and even if there is only one single Muslim living there and even if he denies the child is his, the child is considered to be a Muslim. This is because

the religion of someone whose religion is unknown is considered to be that of the people of his own city, and in this case there are two religions Islam is given as it always surpasses and is never surpassed. Moreover, considering the child a Muslim is a cause for his own happiness and salvation, as he will be raised in Islam.

@16.28.2 If money is found with the child or under his head, it belongs to him.

@16.28.3 Care of the foundling child:

If the finder is a resident, trustworthy, and Muslim, then the child remains with him, and there is an obligation upon him to have witnesses attest to his having found the child and whatever was found with him such as clothing or money.

The finder spends the money found with the child for its own expenses with the permission of the Islamic magistrate. If there is no Islamic magistrate, then the finder spends it anyway, but has witnesses attest to the amount of the expenditures.

If no money was found with the child, then its expenses are paid for by the Muslim common fund. If there is no money in the Muslim common fund, or no Muslim common fund, then the finder may borrow money to cover its expenses as a financial obligation to be later repaid by the child.

If the finder is a corrupt person (9.24.3) or a non-Muslim, then if the child is considered a Muslim (dis:16.28.1), he is taken from the finder.

If two Muslims find the child and disagree over with whom the child should remain then the one who is a resident and wealthy is given preference.

In Islam, fostering a child or orphan is a highly commendable act and is rich in reward in the Hereafter. Prophet Muhammad – may Allah praise and venerate him – described the person who fostered an orphan and raised him/her well as being very close to him. Adoption is not permitted in Islam, because this means the child loses his/her identity by assuming the guardian's name, which in turn interferes his/her rightful inheritance.

@*Chapter 16.29.0: GAMES, CONTESTS AND PRIZES

@ The scriptural basis for competitions and races entailing prize money is the word of Allah, the Most High.

"Muster against them whatever you are able of force and tethers (ropes) of horses." (Koran 8.60).

Muslim relates from 'Uqba ibn 'Amir that the Prophet - may Allah venerate him and give him peace – said three times, "Force means marksmanship,"

@16.29.1 Races for Prize Money

It is permissible for races between animals of the same species to race for prize money whereas it is not permissible to race for prize money mixed species of animals such as a camel and a horse.

It is a necessary condition for such a race that:

- a. the participants know which animals will be ridden,
- b. the amount of the prize,
- c. and the distance to be run.

@16.29.2 Who may put up the money:

The prize money may be put up by both contestants, either one, or by a third party. If the prize money is put up by either contestant or by a third party, then the race is unconditionally permissible, and the winner takes all regardless whether he was the one who put up the money.

However, if the prize money is put up by both contestants, then it is a necessary condition that a third rider enter the contest with a mount equal to theirs in speed, stamina, and so forth, who puts up no money. This is so that it may be distinguished from gambling. If all three put up the money, then it is necessary that there is a fourth contestant with them who does not pay, and so on.

Similarly, bets from one side alone, such as saying, "I will give you ten dinars if what you said proves to be correct," are lawful when the other party bets nothing.

The winner takes all. If two riders finish together, they divide the prize.

@16.29.3 Competitions in marksmanship for prize money:

It is also permissible to compete for prize money in competitions of skill such as archery, spear throwing, or other military weaponry, when the prize is put up by both contestants, either one, or a third party. However, if put up by both, it is necessary that a third marksman enter the contest, as mentioned above.

It is a necessary condition for the validity of such a competition that the following details be specified before the contest:

- (a) who will be shooting;
- (b) the number of shots per bout, how many shots are needed to win, and the criterion for a hit. In archery this means whether the arrow must stick or whether it may just leave a mark;
- (c) the distance to the target;
- (d) and which of the contestants is to begin.

@16.29.4 No prizes for non-military competitions:

It is not permissible to conduct contests for prize money that involve birds, foot-racing, or wrestling.

@16.29.5 Ruling concerning games:

As for games:

1. every game played by two or more people that relies on luck, conjecture, and guessing is unlawful, no matter whether money is stipulated or not;
2. paying prize money in every game that enhances and promotes fighting skills in the way of Allah (jihad) to defend Muslims, (9.9) is permissible if the terms of the competition conform to the rulings discussed above in this section (16.29.1-4);
3. every game not of the preceding two types is permissible if no money is paid therein;
4. any of the above mentioned things which are permissible become unlawful if they prevent one from performing a religious or this worldly duty.

@*Chapter 16.30.0: ESTABLISHING AND ENDOWMENT (Waqf)

@ Linguistically, “waqf” means to be retained. In the Sacred Law, it refers to the retention of any property that can be benefited from while the property itself still remains, by suspending disposal of it; with the financial proceeds of it going to some permissible expenditure.

The scriptural basis for it is the Prophetic quotation (Ahadith) related by Muslim that the Prophet - may Allah venerate him and give him peace – said, “When a person dies his actions come to an end except in three matters that he leaves behind. They are ongoing charity, knowledge from which benefit can be derived and a virtuous son who prays for him.”

From this prophetic quotation, scholars understand “ongoing charity” as meaning an endowment (waqf).

@16.30.1 Endowment is an act of worship:
Establishing an endowment is an act of worship.

@16.30.2 Conditions for validity:

Establishing an endowment is not valid unless the following conditions are met:

- (a) that P has full right to manager his own property. Full right means the right to manage his own property, this also includes the non-Muslim, whose endowment is legally valid, even if it is for a mosque;
- (b) that the endowment concerns a particular identified article (`ayn). It is invalid to make the "right to use something" an endowment, because it is not a particular article;
- (c) that the article has a lawful use;
- (d) that it remain existent for a period in which it would be feasible to rent or hire it out, such as real estate or an animal etc. It is not permissible to make an endowment of something that cannot be utilized except by using it up, such as food;
- (e) that the beneficiary is some particular party, for example, the poor, besides P himself, whether the endowment is an act of worship, as when the beneficiary is

mosques, or Islamic schools, one's relatives, or the general good; or whether it is just permissible, such as an endowment that benefits the wealthy, or Jewish and Christian subjects of the Islamic state;

(f) and that the endowment be formally established by words that effect it such as "I make it an endowment," or "I restrict such and such a thing to benefit so-and-so," or "I give such and such as non-saleable charity."

@16.30.3 Allah is the Owner of endowments:

When the endowment has been made, the ownership of the article belongs to Allah, the Most High. It does not belong to P who was the giver or Q the beneficiary, meaning that even though everything is the property of Allah, the article is now dissevered from its metaphorical human ownership. Q owns the proceeds from it and its utilities, and all the benefits that come from it after the endowment has been made, such as rent, the fruit of trees, or offspring, Q may dispose of these as an owner would, as this is the purpose of the endowment. He may utilize the endowment either personally, or through another by loaning it for use or renting it out.

@16.30.4 Supervisor designated by endower:

The interests of the endowment, i.e. its concerns, condition, upkeep and supervision are looked after by whosoever P stipulates, whether it is P himself or Q or a third party. If P does not stipulate that anyone in particular look after it, then the responsibility belongs to the Islamic authority by himself, or through the person he appoints to do so.

@16.30.5 Proceeds disposed of as endower stipulates:

The proceeds of the endowment, such as the produce of an acreage endowment, or the rent of a property endowment, are disposed of as P stipulates, in terms of for example:

1. proportionality of shares between recipients as to the amount each receives, such as having stipulated twice as much for males as females, or vice versa, or equal shares for each;
2. precedence in some receiving the proceeds before others when they are a group, through a condition that determines who deserves to receive it;
3. inclusiveness of all recipients, as by saying, "I make this an endowment for my children and their children," where the word and implies that each person must be given a share;
4. priority such as saying, "I make this an endowment for the benefit of Islamic scholars, without restriction, and after that, if there are no more to be given a share, to the poor," or "I make this an endowment for the benefit of Zayd, and then `Amr," where if one dies, the next one receives his share;
5. or other conditions such as the proceeds going to those most closely related to P of his offspring, and then the less closely related.

@16.30.6 Examples of invalid endowments:

The following are examples of the invalidity of establishing an endowment due to lack of one of the conditions mentioned at 16.30.2 above. An endowment is not valid when it consists of:

1. a debt that someone owes to P;
2. "One of these two houses";
3. food;
4. sweet basil which used to be spread on floors as an air freshener since it quickly deteriorates if it is uprooted, though if it is growing, it is valid to make it an endowment;
5. when its beneficiary is unidentified by P, or unknown since the endowment cannot be implemented. It is invalid if P stipulates "whosoever Zayd says" as the beneficiary, or is P himself, including P stipulating that the proceeds of the endowment are used to pay off his debts, or when P eats of its produce, or utilizes the endowment for his own benefit;
6. when the proceeds are directed to an unlawful use, such as building a church (dis: 9.11.5) or purchasing lamps for a church, or building walls around it, since this assists disobedience to Allah. Rafi'i says, "The same is true of an endowment made for printing the Torah or New Testament. The printing of such is invalid because the Jews and Christians (Nazarenes) have altered the texts and interpolated spurious material and it is not permissible to occupy oneself with printing their scriptures because doing so is to participate in their disobedience to Allah";
7. when the beginning or end of the endowment's being in effect are subject to conditions such as saying, "I make it an endowment starting from the first of next month," or "for one year," or "provided that I am entitled to sell it", or " the condition that I may take it back whenever I wish";
8. or when Q is not an eligible recipient, such as P stipulating himself as the first beneficiary but R is an eligible recipient, as when P stipulates after himself and then the poor.

@16.30.7 Endowments invalid if beneficiary does not accept:

If P designates a particular recipient or group of recipients, it is a necessary condition for the validity of the endowment that the recipient accept it. If he refuses it, this invalidates the endowment.

@16.30.8 If P designates a particular person i.e. Zayd as an endowment's beneficiary, but does not stipulate anyone after him, then the endowment is valid, and after the particular person is deceased, its beneficiaries are the poor of P's relatives.

@*Chapter 16.31.0: GIFT GIVING (Hiba)

@ As when X gives Y a gift.

@16.31.1 Recommended: Gift giving is recommended. It is superior to give gifts to one's relatives than to non-relatives. When giving gifts to one's children, it is recommended to give each child the equal of what the others are given.

@16.31.2 Conditions for validity:

Gift giving is only valid under the following conditions:

- (a) that X has full right to manage his/her own property;
- (b) that the gift is something permissible to sell (16.2.1);
- (c) that X gives it with spoken words that effect it;
- (d) and that Y accepts it with a spoken reply.

@16.31.3 Recipient's ownership of gift:

Y does not own the gift until he takes possession (16.7.3) of it, if X decides to take it back before Y has taken possession of it he may do so. It is not valid for Y to take possession of the gift without X's permission.

In cases where X gives Y an article that is already being kept with Y, as when Y has it as a trust for safekeeping, or has borrowed it, or X has put up the article as collateral for Y, and now simply gives Y the article, then it is necessary that Y obtain X's permission to take possession of the gift, and that enough time elapse, if it is distant, for Y to reach the gift and take possession of it.

Once Y has taken possession of the gift, X is no longer entitled to take it back. An exception to this is when one gives a gift to one's child, or their descendant. In such cases one may take the gift back, unless such a receiver has in the meantime, sold it and the article has subsequently returned to him by sale or gift, in which case one may no longer take it back.

@16.31.4 If X gives Y something and stipulates that Y gives him something determinately known in return, this is valid, but it is a sale and not a gift.

If X stipulates that Y gives him something in return that is not determinately known, then the gift is invalid.

If X does not stipulate that anything is to be given him in return, then Y is under no obligation to him.

@*Chapter 16.32.0: MANUMISSION ('Itq) (Untranslated)

@ This section, which begins, "To free a slave is an act of worship," deals with a system of ownership that Islam did not invent but found fully established and not possible to instantly abolish. Islam encouraged its elimination in steps, with incentives. It closed all avenues for obtaining new slaves except the capture of prisoners of war, that is the soldiers of whom the caliph had the option to enslave or not. Islam encouraged the freeing of slaves with the tremendous reward from Allah, the Most High; and it materially helped slaves to purchase their freedom by providing them with the money to pay for their freedom through the use of the obligatory charity (zakat) funds (dis: h8.15)

Like previous references to slaves, the following four sections have been left untranslated because the issue is no longer current, unlike the times of our author Ibn Naqib, whose rulers, the Mamelukes of Egypt, were themselves slaves who legally belonged to the Islamic state, a fact sufficient to show the fallacy of understanding slavery in the Islamic milieu in terms of the institution that existed in nineteenth-century America and elsewhere in the West (dis: w-13).

Islam and Muslims take pride in eliminating slavery. See how the last class of slaves were rulers of the 7000 year old civilized Egypt. Tales that Arabs sold the afro American slaves are a complete fabrication of historians.

@16.32.1 (not translated)

@16.32.2 (not translated)

@16.32.3 (not translated)

@16.32.4 (not translated)

@*BOOK 17: MARRIAGE

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On the subject of marriage, Allah the Most Merciful, the Just said:

“... then marry such women as seem good to you; two, three, four of them. But if you fear that you cannot do justice, then one only.... Koran 4.3
He also said:

“You will not be able to be just between your women, even though you are eager.” Koran 4.129
and

“Give women their dowries freely, but if they are pleased to offer you any of it, consume it good and smooth.” Koran 4.4

Allah, the Most High sent Prophet Muhammad – may Allah venerate him and give him peace - as a mercy to the world and ordered us in the Holy Koran many times to be kind to one another. Allah says:

“and those who follow the Messenger, the Unlettered Prophet (Muhammad) whom they shall find written with them in the Torah and the Gospel. He will order kindness upon them and forbid them to do evil. He will make good things lawful to them and prohibit all that is foul.” (Koran 7.157)

Bukhari and Muslim reported that the Prophet – may Allah venerate him and give him peace – rebuked his followers saying, “Some of you beat your wives as if they were slaves, and then sleep with them at the end of the day!”

Marriage in Islam, is not that of master over slave, nor is the blame of the fall from Paradise of Prophet Adam placed on Eve and her descendents. However, the position of men is as Allah tells us:

“But men have a degree above them.” (Koran 2.229)

and it is upon them that the responsibility of providing and maintaining a wife and a family rests, although a woman is free to contribute to household expenses if she is able. In return for this support, the duties of a woman are to be obedient to her husband in all things Islamic.

Allah says:

“Men are the maintainers of women for that Allah has preferred in bounty one of them over another, and for that they have spent of their wealth. Righteous women are obedient, guarding in secret that which Allah has guarded.” (Koran 4.34)

During the Farewell Sermon, Amr, son of Ahwas Jashmi reported Prophet Muhammad – may Allah venerate him and give him peace – said, “.... You have your rights concerning your wives and they have their rights concerning you. Your right is that they shall not permit anyone you dislike to enter your home nor sit on your soft furnishings. Their right is that you should be generous to them in their clothing and food.”

However, Allah also makes it very clear that a husband is only obligated to provide according to his means, therefore a wife must be content to live within these means and not be demanding. Allah says:
Provide for them with fairness; the rich according to his means, and the restricted according to his. A right on the good-doers. (2.236)
He also encourages us to be neither to be wasteful nor miserly saying:
“who when they spend are neither wasteful nor miserly, between that is a just stand” (Koran 25.67)

Marriage is a give-and- take relationship, it is not one-sided. It is a loving path of support on which husband and wife travel together to meet Allah at the end of their life. Men are advised to seek a wife on account of four things and the Prophet – may Allah venerate him and give him peace - stressed the value of selecting a religious wife saying, “A woman is sought in marriage on account of four things; her wealth, influence, beauty or her Religion. Prosper with the one of Religion, otherwise, you will own nothing but dust.”

In the chapter the “Bride’s Marriage Dowry” the obligatory wedding gift given by the groom to the bride is addressed. A well-to-do man who can afford to give a better than average dowry should not hold too tightly to his purse strings and should give according to his position in society, however his bride should not demand an excessive dowry, neither should the husband be miserly. A person whose income is restricted has no obligation to give a dowry beyond his means. His prospective bride cannot demand more than is reasonable.

@*Chapter 17.1.0: WHO SHOULD MARRY

@17.1.1 A man who needs to marry because of the desire for sexual intercourse and has enough money for the bride's dowry (mahr def;17.8), for clothing for the season of the year in which he marries, and the expenditures of one day, is recommended to do so.

One who needs to marry but does not have enough to pay for these expenses is recommended not to marry, rather he should suppress his sexual desire by fasting. However, if he is unable to suppress the desire by fasting, then he should borrow the money for the bride’s dowry. The bride has the option to accept a delay in the giving of her dowry, however, there is no obligation upon her to accept such a deferment. If the bride accepts to receive a deferred dowry, it remains an obligation that a husband cannot refuse to give.

@17.1.2 Who should not marry

When a man has no desire to marry on account of a physical defect or for another reason it is offensive for him to marry, even if he has enough money to cover the expenses.

However, a man whose lack of sexual desire is not due to a physical defect, may have such a desire later, as opposed to someone whose lack of desire is because of a physical defect and for whom the desire will not happen.

If a man is elderly or has a chronic illness, marriage is not offensive providing he has sufficient finances. However, it is superior for such a person to devote himself to worship rather than occupying himself with enjoyments when he could be worshipping.

@17.1.3 When a woman should marry

As for a woman, if she needs to marry, it is recommended for her to do so, however, it is offensive if she has no sexual desire, this being so it is better for her to engage in worship. However, such a woman needs a husband or unmarriageable relative to travel and so forth (dis:17.10.3).

@17.1.4 Desirable characteristics in a bride

It is recommended for a man to marry a virgin unless there is a reason not to, such as sexual incapacity or needing someone to take care of his children.

It is permissible to marry a non-virgin even if she has not previously married (dis: 10.12.1(3)) who is fertile, religious, attractive, intelligent, from a good family, and not a close relative.

In a quotation (Ahadith) of the Prophet – may Allah venerate him and give him peace – the qualities of a prospective bride are:

“A woman is sought in marriage on account of four things, her wealth, influence, beauty or religion. Prosper with the one of religion otherwise you will own nothing but dust.”

In the reference “Sharh al Minhaj” ibn Hajar commented that religious qualities takes precedence over anything else.”

@*Chapter 17.2.0: ENGAGEMENT AND LOOKING AT THE OPPOSITE SEX

@17.2.1 Prophetic practices of engagement

It is recommended for a guardian to offer his marriageable female charges in marriage to righteous men.

It is Prophetic practice:

1. to intend by one's marriage to fulfill the Prophetic practice and protect one's self from committing fornication or adultery. One is only rewarded when one intends some form of obedience to Allah, such as remaining chaste or having a pious son;

2. for the marriage contract to be made in a mosque;
3. and for it to take place on Friday, on the first of the day, and in the month of Shawwal.

@17.2.2 Looking at one's prospective bride

The Prophetic practice when one wants to marry a woman is to look at her face and hands before becoming engaged, even if the woman does not give her permission - her face indicating her beauty and her hands her robustness.

The prospective groom is entitled to look at her face and hand as many times as he wishes, and the prospective bride has the same entitlement, however the looking is restricted to just the face and hands which is to avoid regret after marriage.

If the prospective groom is unable to see his prospective bride, then he should send a reliable woman to see her on his behalf so that she might describe her to him. This is the only exception when a woman may describe another woman to a man, to do so otherwise is unlawful.

@17.2.3 Looking at members of the opposite sex

It is unlawful for a man to look at a woman who is not his wife or one of his unmarriageable kin (17.6.1) It is not unlawful to listen to the voice of a woman providing it is not a temptation.

Allah, the Most High says,

"Say to the believers they should lower their gaze...." (Koran 24.30).

The majority of scholars, with the exception of some Hanafis, as mentioned in 17.2.8, have been recorded as holding that it is unlawful for women to leave the house with faces unveiled, whether or not there is likelihood of temptation. When there is likelihood of temptation, scholars unanimously concur that it is unlawful, temptation meaning anything that leads to sexual intercourse or its usual preliminaries. As for when there is real need (dis: 17.2.11), looking is not unlawful, provided temptation is unlikely.

Contrary to the non-traditional Wahabi (Kharijies) cult, there is no obligation upon a woman to veil her face, the only lady for whom this is an obligation is a wife of the Prophet – may Allah venerate him and give him peace.

Allah says:

"And say to the believing women that they lower their gaze, cast down their eyes and guard their chastity, and do not reveal their adornment except that which is outward (face and hands) and let them draw their veils over their neck..." (Koran 34.31)

The explanation of "that which is outward" referring to face and hands is that of the traditional scholars of Islam, As-Suyuti and Jalalayans. There would have been no need to mention "Let them draw their veils over their neck" if the face

was already covered. However, if a woman is extremely beautiful so as to be a temptation, she is obligated to cover her face.

Being alone with a woman who is not one's wife or unmarriageable kin is absolutely unlawful, though if there are two women and a man, the man and the woman are no longer considered to be alone.

@17.2.4 Looking at spouse's genitals is offensive

A man may look at his wife and vice versa including his/her nakedness (14.5.3), though it is offensive for either husband or wife to look at the other's genitals.

@17.2.6 Men looking and women and women looking at men

As for a woman looking at a man other than her husband or unmarriageable male relatives, it is unlawful, the same applies to men looking at women.

@17.2.7 It is unlawful for a woman to show any part of her body to an adolescent boy or a non-Muslim woman unless the latter is her kinswoman (17.6.1 (1-12) in which case it is permissible (Mughni al-muhtaj ila ma`rifa ma`ani alfazal-Minhaj (y-73), 3.132).

@17.2.8 The following rulings from the Hanafi school have been added here as a dispensation (dis: 8.6.3).

Ahmad Quduri says:

1. It is not permissible for a man to look at a woman who is not his wife or unmarriageable relative except for her face and hands. Maydani says this because of the necessity of her need to deal with men in giving and taking and the like. If a man is not safe from lust, he may not look at her face except when it is demanded by necessity.
2. A man may look at the whole body of another man except for what is between the navel and including the knees. In the Hanafi school, knees are considered as nakedness but not in the Shafi'i school.
3. A woman may look at the parts of a man permitted to another man.
4. A woman may look at the parts of another woman that a man is permitted to look at of another man. (al-Lubab fi sharh al_kitab (y-88), 4.162-63)

@17.2.9 Touching is as unlawful as looking

Whenever looking is unlawful, so is touching together with any permissible looking that leads to temptation.

Ordinary people sometimes mistakenly assume that the Hanafi position that touching a woman does not nullify one's ablution (wudu) means they permit men shaking hands with women who are not wives or unmarriageable relatives, something which is unlawful, and which neither the Hanafi school nor any other holds to be permissible.

@17.2.10: Doctors treating patients of the opposite sex

When there is a real need, both looking and touching are permissible for medicinal bloodletting, cupping, and medical treatment.

A Muslim woman needing medical attention must be treated by a Muslim woman doctor, or if there is none, then by a non-Muslim woman doctor. If there is none, then a male Muslim doctor may treat her, while if none of the above are available, then a male non-Muslim doctor. If the doctor is of the opposite sex, her husband or an unmarriageable male relative (17.6.2) must be present. It is obligatory to observe this order in selecting a doctor. The same rules apply to Muslim men with regard to having a doctor of the same sex and religion, the same sex takes precedence over the same religion.

If the examination is of the genitals, the need for the above requisites is more acute even if it includes the permissible gynecological examinations.

@17.2.11 Permissible looking at a marriageable member of the opposite sex
Looking at a woman is permissible for testimony in court, for commercial dealings, with a marriageable man, or non-commercial dealings such as obligatory or recommended learning (1.4, 1.6). in which cases looking is permissible to the degree required.

It is not permissible to exceed the degree required which means looking at part of the face.

@17.2.12 Rules for proposing marriage or accepting a proposal
It is unlawful to propose marriage, openly or allusively, to another's wife when she is in the waiting period of an unfinalized divorce because she is still considered as a wife.

@17..2.13 As for a woman who is in any of the following types of waiting period (19.9), it is unlawful for a suitor to propose openly to her, though not for him to hint at it:

1. the waiting period of a finalized (threefold) divorce;
2. the waiting period after having had her husband release her for compensation (19.5);
3. or the waiting period to remarry after her husband's death (19.9.11).

Proposing allusively is only permissible in such cases because of the husband's lack of authority over her.

To propose "openly" means to decisively indicate one's desire to wed, such as by saying, "I want to marry you," while to propose allusively means to employ words that could indicate a desire to marry or something else, such as "I am desirous of you," or "You are beautiful," for these do not necessarily imply a desire for marriage.

@17.2.14 The rulings regarding the lawfulness or unlawfulness of a woman's accepting a marriage proposal are the same as those for proposing to her (17.2.12-13).

@17.2.15 Proposing to a woman who has already been proposed
It is unlawful to propose marriage to a woman when someone else has openly proposed to her and the proposal has been accepted, unless the first suitor gives his permission.

If the first suitor has not been accepted, or has shown himself disinclined, or has given up, or when sufficient time has elapsed that gives others the impression that he no longer wishes to marry, or when the woman's guardian becomes averse to him, then it is lawful for the second suitor to propose.

It is not unlawful for a man when he does not know whether or not a woman is engaged, or whether the first proposal was clearly accepted or not, to take the initiative and propose to a woman.

@17.2.16 Character of prospective groom
Imam Nawawi said in his reference al-ATHkar that it is obligatory upon whosoever is asked about the character of a prospective groom to truthfully mention his failings, i.e. defects and mistakes, but only to the degree necessary which thereby protects the inquiring person. (dis: 4.2120(2)).

@17.2.17 Short address (Khutba) made when proposing
It is recommended to give a short address when making a marriage proposal. The address should begin by praising Allah and concluded with a supplication and moral exhortation. If one wishes to be brief, one may simply say, "Praise be to Allah, and veneration and peace upon the Messenger of Allah. I enjoin you to fear Allah. I have come to you to become engaged to your daughter so and so." Thereafter her guardian responds with a similar address.

@17.2.17 It is also recommended to give another brief address just before the marriage contract is made in which the guardian says before the contract is formally in effect, "I marry her to you according to the command of Allah, the Most High, to kindly retain or graciously release."

@*Chapter 17.3.0: THE INTEGRALS OF A MARRIAGE AGREEMENT

@17.3.1 The marriage agreement has five integrals:

- (a) the spoken form;
- (b) the witnesses;
- (c) the bride's guardian;
- (d) the groom;
- (e) and the bride.

@17.3.2 Spoken form

The first integral is the explicitly stated spoken form. It is comprised of a spoken proposal by the groom and its acceptance by the guardian, and is valid in languages other than Arabic, even if one is able to speak Arabic.

The spoken form is not valid if allusive.

It is not valid without:

- (a) a statement from the guardian that effects the marriage, namely "I marry you to her" (the Arabic *zawwaja* meaning to marry someone to another);
- (b) and an immediate spoken acceptance by the groom, namely "I marry her," or "I accept her marriage."

The spoken form, when the other integrals exist, is what is meant by the term marriage contract, not an actual written document, though it is Prophetic practice for it to be written. Irrelevant conditions added to the marriage contract, such as that the husband observe monogamy or the like, are not binding, though they do not invalidate the marriage agreement, which remains effective.

@17.3.3 Witness. The second integral is that the marriage has witnesses, it not being valid unless two witnesses are present who are:

- (a) male. A marriage witnessed by a man and two women would not be valid. However it is valid in the Hanafi school;
- (b) hearing
- (c) eyesight
- (d) familiar with the language of the two contracting parties;
- (e) Muslims;
- (f) and upright (def:9.24.4) witnesses, even if their uprightness is merely apparent since marriages take place among average, common people, and if they were made responsible to know the inward uprightness of witnesses, it would cause delays and difficulties. "Apparent uprightness" means the person is outwardly known to be upright, even if he is inwardly unknown.

@17.3.4 The bride's guardian

The third integral is the bride's guardian because a woman may not conduct her own marriage.

Ibn Majah relates that the Prophet - may Allah venerate him and give him peace – said, "Let no woman marry a woman to another or marry herself to another."

Daraqutni related this Prophetic quotation (Ahadith) with a chain of transmission meeting the standards of Bukhari and Muslim.

The marriage agreement is not valid without a guardian who is:

- (a) male;
- (b) legally responsible (*mukallaf*, def: 8.8.1);
- (c) Muslim;
- (d) upright (9.24.4);
- (e) and of sound judgement.

The following may not be a bride's guardian:

1. a woman;
2. a child or insane person;
3. a non-Muslim;
4. a corrupt person (9.24.3). The opinion of most of the later scholars is that a corrupt person may be a guardian;
5. or someone whose judgement is unsound because of old age or weak mindedness. Old age includes someone with severe pain or illnesses which distract him from realizing what is most advantageous for his charge and her interests, since such a person would be incapable of determining the true character of a suitor and whether he is an appropriate match (17.4) for the bride. It is of no consequence if the guardian is blind.

A non-Muslim responsible for a non-Muslim bride may be her guardian as long as he does not break the religious law

@17.3.5 (not translated)

@17.3.6 If the bride has no Muslim guardian and there is no Islamic magistrate to act as one, she may authorize a male Muslim who has the qualifications of an Islamic judge (9.22.1). If there is none, then a male Muslim who is legally upright (9.24.4) - to act as her guardian in marrying her to the groom (Mughni al-muhtaj ila ma`rifa ma`ani alfaz al-Minhaj (y-73), 3.147).)

@17.3.7 Order of lawful guardianship among the bride's relatives

The male relatives of a free woman are the ones who may marry her to another, and the order as to who has the right to be her guardian is her:

1. father;
2. paternal grandfather;
3. brother;
4. brother's son;
5. father's brother;
6. her paternal nephew, and so on, in the same order as the universal heirs in estate division (I-10.6(12-14);
7. and then the Islamic magistrate

None of the above may marry her to someone when a family member higher on the list exists. If there are two of equal standing, for example two brothers and one is related to her through both parents while the other is related to her through the father alone, then the one related to her through both parents is her guardian. If both are equal in this respect, precedence is given to the oldest, most learned in Sacred Law, and most cautious. But if the other is less deserving of two would-be guardians who are of equal affiliation to her marries her to the groom, the marriage is valid. If both insist on being her guardian, they draw lots to see who

will do it, though if the loser marries her to the groom, the marriage is also legally valid.

@17.3.8 If a guardian does not have the right to be a guardian because of the existence of one of the above-mentioned preventives (dis: 17.3.4 (1-5)), the guardianship passes to the next family member in the order of lawful guardians (17.3.7)

@17.3.9 Bride's right to marry a suitable match of her own choice
Whenever a free woman asks to marry a suitor who is a suitable match (def 17.4) by telling her guardian, "Marry me to him", the guardian must let her marry no matter whether she is a virgin or non-virgin, and whether pre-pubescent or not.

The Islamic magistrate marries her to the groom if the guardian:

1. in the presence of the magistrate refuses to marry her to the groom;
 2. is on a journey farther than 81 km./50 miles. from home;
 3. or is in a state of pilgrim sanctity (ihram) for hajj, 'umra', or both (dis: 21.3.20).
- In such cases, the guardianship does not pass to the next most eligible in the 17.3.7 order of lawful guardians. If the guardian is on a journey of less than 81 km./50 miles from home, the bride may not be married to someone without the guardian's leave.

@17.3.10: Commissioning another to effect the marriage agreement
The guardian may commission another (16.17.5-6) to marry his charge to someone, though it is not permissible to commission someone who himself lacks the requisite conditions (17.3.4(a,b,c,d,e)) to be a guardian.

The groom may also commission someone to accept the marriage agreement on his behalf, provided the person commissioned is someone who would be legally entitled to accept such a marriage for himself. For example, a child may not accept a marriage for himself, let alone someone else, nor may a woman be commissioned for this, nor someone in a state of pilgrim sanctity (ihram).

@17.3.11 Neither the guardian of the bride nor his agent may state the marriage offer (17.3.2(a)) for the guardian's own marriage to her. If her guardian wants to marry her, as when, for example, he is the son of her father's brother, then he lets a different son of the father's brother stand in as guardian. If there is no one in his own degree of relation to her, then the Islamic judge stands in as guardian.

@17.3.12 No one may state both the proposal and its acceptance (17.3.2(a,b)) for one marriage, except the bride's paternal grandfather when marrying his son's daughter to his other son's son.

@17.3.13 Guardians who may marry a virgin to a man without her consent
Guardians are of two types, those who may compel their female charges to marry someone, and those who may not.

1. The only guardians who may compel their charge to marry are a virgin bride's father or paternal grandfather, "compel" meaning to marry her to a suitable match (17.4) without her consent. [Law allows it in cases the bride is going after an immoral person etc]
2. Those who may not compel her are not entitled to marry her to someone unless she accepts and gives her permission.

Whenever the bride is a virgin, the father or paternal grandfather may marry her to someone without her permission, though it is recommended to ask her permission if she has reached puberty. A virgin's silence is considered as permission.

As for the non-virgin of sound mind, no one may marry her to another after she has reached puberty without her express permission, no matter whether the guardian is the father, father's father, or someone else.

@17.3.15 No guardian may marry a woman to someone who is not a suitable match (17.4) without her acceptance and the acceptance of all who can be guardians (17.3.7). If the Islamic magistrate is her guardian, he may not under any circumstances marry her to someone who is not a suitable match for her.

If the bride selects a suitor who is not a suitable match for her, there is no obligation upon her guardian to marry her to him. If she selects a suitable match but her guardian chooses a different suitor who is also a suitable match, then the man chosen by the guardian takes precedence if the guardian is one who may lawfully compel her to marry (17.3.13(1), while the one she selects takes precedence when the guardian may not lawfully compel her to marry (17.3.13(2).

@*Chapter 17.4.0: A SUITABLE MATCH (Kafa`a)

@ The definition of a suitable match should not be misunderstood as a recommendation for whom to marry. It is merely a legal restriction to protect a woman's interests when the father or grandfather of a virgin marry her to someone without her consent (dis: 17.3.13, 15). As for when she wishes to marry someone who is not a suitable match, and her guardian has no objection, there is nothing wrong or offensive in her marrying him.

@17.4.1 Criteria of suitability

Suitability concerns religiousness, lineage, profession, and being free of defects that permit the annulment of the marriage contract (17.7). As for color, it is of no consideration in suitability.

@17.4.2 The following are not suitable matches for one another:

1. a non-Arab man for an Arab woman this is because of the Prophetic quotations (Ahadith) that the Prophet - may Allah venerate him and give him peace – said, "Allah has chosen the Arabs above others";

2. a corrupt man (9.24.3) for a virtuous woman, however it suffices if the prospective husband has ceased his wronging;
3. a man of a lowly profession for the daughter of someone with a higher profession, such as a tailor wanting to marry a merchant's daughter. However, an Islamic scholar is a suitable match for any level in society;
4. or someone with a defect that would permit the marriage being annulled to someone without a defect.

Being either elderly or wealthy has nothing to do with suitability because for money comes and goes, and those with self-respect and intelligence do not take pride in it.

@17.4.3 Unsuitable marriage invalid without consent

The marriage agreement is invalid whenever a guardian marries his charge to someone who is not a suitable match for her, if done without both her acceptance and the acceptance of all who are eligible as guardians (17.3.7) and that they are on the guardian's level of relationship to her (A: such as his brothers). But if both these parties agree, then the bride's relatives further from her than the guardian may not object.

@17.4.4 When either the father or paternal father sees - in avoiding harm - a benefit in letting two young get married, he may do so, however he should not let the young marry someone with a physical defect (dis: 17.7).

@17.4.5 Marriage of a foolhardy person requires a guardian

If a man is foolhardy (safih, def: 16.13.1(A)) or continuously insane, but needs to marry, then his father, grandfather, or the Islamic magistrate may marry him to someone. If they grant permission to the irresponsible person to marry himself, his marriage is valid, though if he does so without their permission, it is invalid.

@*Chapter 17.5.0: CONJUGAL RIGHTS

@17.5.1 Wife's Marital Obligations

It is obligatory for a woman to let her husband have sex with her immediately when:

- (a) he asks her;
- (b) at home "home" meaning the place in which he is currently staying, even if being lent to him or rented;
- (c) and she can physically endure it.
- (d) Another condition that should be added is that her marriage dowry (mahr, def: 17.8) has been received or deferred to a term not yet expired

As for when sex with her is not possible, i.e. menstruation or postnatal bleeding, or such that by its having it would entail harm to her, then there is no obligation upon her to comply.

If she asks him to wait, she is awaited for a maximum of three days

@17.5.2 Wife's right to sexual intercourse

Imam Ghazali said, that the fairest way is that one should make love to one's wife every four nights since one may have four wives, and it is permissible to wait this long before having sexual intercourse with one's wife. However, one should make love to her according to her needs, so that she remains chaste and free from want as her chastity is an obligation upon her husband (Ihya' `ulum al-din (y-39), 2.46).

@17.5.3 The wedding night

Upon their wedding night it is recommended for the husband to hold his bride's forelock and supplicate to Allah for an increase in blessings (baraka) such as by saying, "May Allah bless each of us in their partner". See the Book on Sexual Practice at the end of this reference.

@17.5.4 Husband's rights

A husband possesses full right to enjoy his wife's person from the top of her head to the soles of her feet, except anal intercourse (dis:10.75.20) which is absolutely unlawful, and anything that would cause her physical harm.

He is entitled to take her with him when he travels.

@17.5.5 Contraception

The husband is permitted to practice coitus interruptus in lovemaking with his wife. This means that when he is making love to her and he feels an impending orgasm, he withdraws and ejaculates outside the vagina, though it is better not to and is considered offensive in our school (dis: w-46.2) because it is a means to prevent reproduction.

@17.5.6 The husband is entitled to insist that his wife undertake both the measures necessary for having sex with her such as the purifying bath (ghusl) after her monthly period, and those necessary to full enjoyment of her such as the purifying bath after major ritual impurity (janaba), as well as shaving her private parts, and removing filth.

@*Chapter 17.6.0: UNMARRIAGABLE KIN (Mahram)

@17.6.1 It is unlawful, meaning both sinful and legally invalid for a man to marry his:

1. mother;
2. grandmothers, maternal or paternal;
3. daughters;
4. daughters of his children, his grandchildren, and on down;
5. sisters;
6. brother's daughters or sisters, their children's daughters, and on down;
7. maternal aunt, maternal great aunts, and on up;
8. paternal aunts, paternal grandfather's sisters, and on up;

9. wife's mother;
 10. wife's grandmother;
 11. the wives of his father, the wives of his paternal grandfather, and on up;
 12. the wives of his children, children's children, and on down;
- As for a man's wife's daughter from a different husband, she is not unlawful for him to marry until he has had sexual intercourse with her mother. Were he to divorce the mother before intercourse, it would be permissible for him to marry the daughter.
13. and all those considered as unmarriageable kin to him through his having been breast-fed by the same wet nurse in infancy, as at (19.12.2).

@17.6.2 List of a woman's unmarriageable (Mahram) relatives

It is unlawful and invalid for a woman to marry her:

1. father, grandfather, and on up;
2. son, son's son, daughter's son, and on down;
3. brother;
4. paternal uncle, meaning the brother of any male forefather;
5. maternal brother, meaning the brother of any female's forefather;
6. nephews or any other descendants of brothers or sisters;
7. the husband of her mother, grandmother, and on up;
8. the husband of her daughter or other female descendant;
9. her husband's father, grandfather, and on up, and husband's son and descendants;
10. and unmarriageable kin to her through her having been breast-fed by the same wet nurse in infancy, as at 19.12.2.

@17.6.3 Unlawful to marry two sisters

It is unlawful for a man to marry both:

1. a woman and her sister;
2. a woman and her paternal aunt;
3. or a woman and her maternal aunt.

However, if a man is no longer married to one of the above and the waiting period (19.9) has expired, then he may marry the other.

@17.6.5 Sharing the same wet nurse prevents marriage

The same categories of relatives who are unlawful for one to marry because of one's kinship relation to them are also unlawful to one by "foster relationship," through having been breast-fed by a particular wet nurse in infancy (dis: 19.12.2).

@17.6.7 It is unlawful for a Muslim man to marry:

1. a Zoroastrian woman;
2. an idol worshipper;
3. an apostate from Islam (murtadd, def: 9.8);
4. or a woman with one parent who is either Jewish or Christian, while the other is Zoroastrian.

5. It is unlawful for a Muslim man to be marry a woman other than a Muslim, Jew or Christian. A Muslim woman is only permitted to married a Muslim man.

@17.6.8 It is unlawful for a man who has divorced his wife by public swearing (def:19.11) to remarry her even though she is not considered his unmarriageable kin (mahram), neither may he look at or be alone with her.

@17.6.9 It is unlawful to marry a woman who is in a state of pilgrim sanctity (ihram, def: 21.3) for the Greater of Lessor pilgrimage, or in her waiting period (19.9) after marriage to another.

@17.6.10 It is unlawful for a free man to marry more than four women. It is fitter to confine oneself to just one.

@17.6.12 The following types of marriage are legally invalid:

1. to marry by "trading daughters [or sisters]";
2. to have a "temporary marriage" (mut'a), meaning to marry a woman for a stipulated period whether specified or unspecified.
3. or to marry a woman after her threefold divorce solely to cohabit and divorce to enable her to remarry her previous husband (dis: 19.7.7). This invalid marriage constitutes a major sin (dis: 10.29) though if the marriage agreement is made for this reason but does not expressly stipulate it, then it is legally valid (dis: 8.5.2).

@*Chapter 17.7.0: DEFECTS IN A SPOUSE THAT PERMIT THE ANNULMENT OF MARRIAGE

@17.7.1 In any of the following circumstances, the husband or wife has the option to annul the marriage agreement immediately, if this is done in the presence of the Islamic magistrate or a third party chosen to judge between them (dis: 9.21.4), provided that he is a mujtahid (9.22.1(d)) if there is no Islamic judge, even when the partner annulling the marriage has the same defect whose existence in the spouse has motivated him or her to annul it, for example when both are insane:

1. one finds that the spouse is insane, or has elephantiasis or leprosy;
2. the husband finds that the wife's vagina is closed or nearly so because of an abnormal growth of flesh or bone;
3. or the wife finds that the husband is impotent, or that his penis has been injured.

The agreement may also be annulled when the defect occurs after making the marriage agreement, except when a husband's impotence occurs after he has had sexual intercourse with his wife, in which case annulment is no longer possible.

When a husband who is impotent from the beginning acknowledges his impotence, the magistrate postpones action on the case for one year from the day it is first submitted for consideration. If the husband has intercourse with her during the year, then she is not entitled to annul the marriage, though if he does not, then she may annul it. In cases of impotence, her above-mentioned prerogative of annulling the marriage "immediately" means after this period of one year.

@17.7.2 Defects found either a bride or groom before intercourse and the dowry :

When a marriage is annulled before sexual intercourse, the woman does not receive her marriage dowry (mahr) no matter whether the defect is in her or in him as opposed to divorce before sexual intercourse, as discussed at 17.8.7.

When a marriage is annulled after intercourse because of a defect that occurred after it, the full marriage dowry stipulated by their agreement must be given to her.

When a marriage is annulled after sexual intercourse because of a defect that occurred before intercourse, whether simultaneously with the marriage agreement or after it but before intercourse, then the bride is only given the amount typically received as marriage dowry by similar brides of her social standing (17.8.8).

@17.7.4 Defects found either a bride or groom after intercourse and the dowry: If any of the following occurs before intercourse has taken place, then the marriage is immediately annulled if:

1. one of an idolatrous couple becomes a Muslim;
2. one of a Zoroastrian couple becomes Muslim;
3. the wife of a Jew or Christian becomes a Muslim;
4. both husband and wife leave Islam;
5. or one if one of them leaves Islam.

But when one of the above things happens after intercourse, then a waiting period (19.9) must intervene before the marriage is annulled. If both husband and wife are, or become Muslim before the waiting period finishes, then their marriage continues. And if not, then the marriage is considered to have been over since the change of religion first took place.

@17.7.5 When a non-Muslim man who has more than four wives becomes Muslim there is an obligation upon him to choose just four of them and the other marriages are annulled.

@*Chapter 17.8.0: BRIDE'S MARRIAGE DOWRY (mahr) 17.8.0

@ The marriage dowry is the money or property a husband is obligated to give a woman in order to marry her.

@17.8.1 Prophetic practice for dowry to be specified in marriage contract
It is Prophetic practice to name the amount of the marriage dowry in the marriage agreement so as to prevent discord. If it is not mentioned, it does not harm the validity of the marriage, though if unmentioned in the agreement, it is considered to be the amount typically received as the marriage dowry by similar brides of her social standing (17.8.8).

There is complete scholarly consensus on the validity of a contract that does not mention the amount of the dowry, if it is not mentioned it is offensive and does not invalidate the contract.

@17.8.2 A guardian may not marry his prepubescent daughter to someone for less than the amount typically received as marriage dowry by similar brides, nor marry his prepubescent son to a female who is given more than the amount typically received. If he does either of these, the amount stipulated is void and the dowry typically received is received instead in both these cases, as a necessary condition for the validity of the marriage contract.

@17.8.3 Nor may fool man (16.13.1) marry a woman for more than the dowry typically received as a marriage dowry by similar brides.

@17.8.4 What may constitute a dowry
Anything that is lawful (16.2) may be given as marriage dowry. It may be given immediately or deferred, and may be an individual article (ʿayn), a financial obligation (dayn), or the use or benefit of something.

@17.8.5 Bride's ownership of dowry
The bride possesses the marriage dowry when it has been expressly stipulated in the marriage agreement, whether validly or invalidly stipulated. If valid, she owns the dowry value stated, while if invalid, she owns the amount typically received as marriage dowry by similar brides (17.8.8). She may dispose of it when she accepts it, and her ownership of it is finalized when her husband has sexual intercourse with her, after that none of it is refundable, or when one of them dies before they have had intercourse.

@17.8.6 Bride may refuse intercourse until dowry is paid
If the dowry becomes due immediately, the bride may refuse to have sexual intercourse until her husband gives the dowry to her, although if she allows him to have intercourse with her before she accepts the dowry, she may no longer refuse to have intercourse but may demand the dowry.

@17.8.7 Annulment before intercourse
If the couple is separated by the annulment of the marriage (dis: 17.7.4), before intercourse because of an act on the bride's part, as when she becomes a

Muslim and the husband remains non-Muslim, or she leaves Islam and the husband remains Muslim, then she is not entitled to any of the marriage dowry

However, if it is because of an act on the husband's part, as when he becomes Muslim, or leaves Islam, or divorces her, then she receives only half of the marriage dowry; or the husband may ask for half of it back if she already accepted it, provided the article given as a dowry still exists. If it does not, he receives half of the lowest market value of similar articles between the time of the marriage agreement and when the article ceased to exist.

If the article was diminished while in the bride's possession, the husband has a choice between taking it back in its defective condition, or accepting half of its value.

@17.8.8 Amount typically received as marriage dowry by similar brides
The amount typically received as a marriage dowry by similar brides (mahr al-mithl) means that which would be desirable to a woman in her social standing. her. "A woman in her social standing" meaning under normal circumstances that which is received by her relatives who live in the same town, of similar characteristics such as age, intelligence, beauty, wealth, being virgin or non-virgin.

If the bride is superior or inferior to her relatives then in respect to the above characteristics, then this is taken into consideration. If she has no female relatives related to her through her father, then "in her social standing" refers to the maternal relatives.

If none of the above exist, then the standard for comparison is the marriage dowry of those women of the same town who resemble the bride.

@17.8.9 When a husband is unable to give the marriage dowry
When a husband proves financially unable to give his wife the marriage dowry, and it has not been deferred, before the first time they have sexual intercourse, then the bride may annul the marriage, though if he proves unable after they have had sexual intercourse, she may not.

If a husband and wife disagree in court, when neither side has proof, as to whether he has given her all, or part of the marriage dowry, then the wife's word is accepted over the husband's (dis: 16.8.2). But if they disagree as to whether they have had sexual intercourse, the husband's word is accepted over the wife's. However, if the woman was a virgin when she married then it can be clinically proven if she is still a virgin which would void the husband's word.

@17.8.10 There is an obligation upon a man to give a woman the amount typically received as a marriage dowry of that of similar brides of the same social standing (def 17.8.8) when the marriage was invalid, or when a man forces a

woman to fornicate with him. However, when a woman voluntarily fornicates with a man, she does not receive any marriage dowry.

@17.8.11 Dowry paid in an invalid consummated marriage

Amenity Payment

Whenever a woman is divorced before having had intercourse, and the marriage dowry is reduced to one-half (dis: 17.8.7), she does not receive an amenity payment (below). However, she is entitled to one when the marriage dowry is not reduced to one-half, such as when:

1. she receives no marriage dowry because of having allowed her guardian to choose a spouse for her and then having been divorced before intercourse and before any dowry was stipulated;
2. or when she receives the full marriage dowry, as when she is divorced after intercourse.

An “amenity payment” is an amount paid by the husband that has been, determined by the Islamic judge through his own personal reasoning and to which it is obligatory for both the husband and wife accept. The Prophetic practice is that it is not less than thirty dirhams (88.94 grams of silver) or something worth that much, and that it amounts to less than half the marriage dowry, taking into consideration the circumstances of both parties such as how rich or poor the husband is, and the wife's lineage and other characteristics previously discussed.

@*Chapter 17.9.0: WEDDING FEAST

@17.9.1 Prophetic practice of the wedding feast

The wedding feast is a Prophetic practice whose time never expires, though it is recommended to be after intercourse. The Prophetic practice is for the meal to consist of a sheep or goat (shah, def: 13.2.5), though it is permissible to serve whatever food is readily available.

@17.9.2 Obligation to attend

It is obligatory for whosoever is invited to attend the wedding feast, and whosoever does not respond to the invitation has disobeyed Allah and His Messenger - may Allah venerate him and give him peace - regardless whether or not one is fasting.

When one attends, it is recommended to eat, though it is not obligatory. If one is performing a voluntary fast and attends, and it is not burdensome for the host, then it is best to complete one's fast, though if this would be difficult on the host, it is better for one to eat. It is only obligatory to respond to such an invitation if the following conditions are met:

- (a) that the host has not invited the rich to the exclusion of the poor;
- (b) that the invitation be for the first day of the wedding feast, because the host can celebrate if for three days. However, it is not obligatory to respond if invited on the second day, and offensive to do so on the third;

(c) that the motive for attending is not that of fear of the host or desire for the prestige of having attended;
(d) that no one will be there who will hurt one, or whose company is unsuitable because of their unsavory character, for example, such as people devoid of morals or good character;
(e) and that there will be nothing blameworthy there such as flutes, wine, silk-covered sitting mats, or pictures of animate life (dis: 10.44) on the ceiling, walls, upright pillows, not those lying flat (dis: below), or draperies; or clothing inscribed with something blameworthy, and so forth. A person who attends in the presence of such things is as though accepting and consenting to what is not condemnable. However, if the blameworthy thing will be removed on account of one's attendance, or if the above-mentioned pictures are on the ground, a carpet, or pillows people lean upon, or if the

@17.9.3 Strewing sweets and the like around at marriage agreements or picking them up is not offensive, but it is better not to.

@*Chapter 17.10.0: Relationships between a husband and wives

@17.10.1 It is obligatory for both husband and wife to treat each other well. Allah, the Most High says:

"...And for them similar to what is due from them with kindness...." (Koran 2.228), without intentional delays or displaying resentment.

@17.10.2 Unlawfulness of two wives in same lodgings

It is unlawful for a man to house two wives in the same lodgings unless they both agree.

@17.10.3 Permitting one's wife to leave the house

A husband may permit his wife to leave the house for a lesson in Sacred Law, for the remembrance of Allah (Thikr), to see her female friends, or to go to any place in the town.

A woman may not leave the city without her husband or a member of her unmarriageable kin (17.6.2) accompanying her, unless the journey is obligatory. It is unlawful for her to travel otherwise, and unlawful for her husband to allow her traveling.

In the Hanafi school, it is not unlawful for her to travel beyond city limits without a husband or member of her unmarriageable kin unless the distance to her intended destination exceeds ca. 77 km./48-miles (al-Lubab fi sharh al-Kitab (y-88), 1.105).)

@17.10.4 A husband may forbid his wife to leave the home. In a quotation (Ahadith) related by Bayhaqi, Prophet Muhammad - may Allah venerate him and give him peace – said, "It is not permissible for a woman who believes in Allah

and the Last Day to allow someone into her husband's house if he is opposed, or to go out if he is averse.”

However, if one of her relatives dies, it is preferable to let her leave to visit them.

@17.10.5 Taking turns with wives

There is no obligation upon a husband with more than one wife to spend his nights with them in turns but may keep away from them all without sin. However, he may not begin spending the night with one of them unless he chooses her by drawing lots.

There is an obligation upon a husband whenever he spends the night with one wife to spend nights with the others thereby giving them each equal time.

When a husband intends to begin staying with his wives after an intermission or absence, the wife whose lot is drawn is the first with whom he spends the night. All are included in taking turns, whether she is a wife menstruating or postnatal bleeding, one who is ill, or one who cannot have intercourse because of a vaginal birth defect.

The minimal amount of time for one turn is a night and day, whether the day comes before or after the night; while the maximum is three days and nights.

The minimal turn for the Hanafi and Maliki schools is whatever all can agree upon. It may not be more than three days except by their permission.

The basic turn of someone who makes their living by day is the night, with the day being an adjunct, while for someone who makes their living at night, such as a watchman, the basic turn is the day.

There is no obligation upon a husband when he stays the night with his wife to have sexual intercourse with her, though it is recommended to have intercourse and share all other marital enjoyments with all one's wives on an equal basis.

@17.10.6 Husband must draw lots to take one wife on trip

If the husband wants to take one of his wives on a journey with him, he may not do so unless he draws lots to see who it will be. If he draws lots and takes the winner with him, then when he returns, he does not need to make up the turns which the other wives missed while he was on the journey. If he did not draw lots but just chose a wife to travel with him, this is a sin, and on his return he must give equal time to the other wives for the time they missed.

@17.10.7 A wife may give her turn to another wife

It is permissible for one of the wives to give her turn to another wife, if the husband agrees. If one of them gives him her turn, then he may give it to whomever he wants. If the wife later chooses to take her turn back, she returns

to her usual place in the order of taking turns as it stands on the day she takes it back.

@17.10.8 Not permissible to visit a wife in another's turn

It is not permissible for a husband to enter the quarters of a wife during another wife's turn without business there, though if he stops in during the day because of something he needs, or during the night because of something absolutely necessary, such as to bring her supper, then he may enter. Otherwise he may not.

If he prolongs such a visit, then there is an obligation upon him to make up the turn of the wife whose turn it originally was.

@17.10.9 Turn of a new wife

If a man marries a new wife when he already has another, he interrupts the succession of turns to spend time with the new wife.

If she is a virgin, then he stays with her seven days and need not make them up with the other wives. If she is a non-virgin, then he may choose to either spend seven days with her and make up to the others the number in excess of three days, or spend three days with her and not make up the time with the others. In such cases it is recommended to let the new wife choose the alternative she prefers. If the husband stays with her for seven days at her request, he must make up all seven days with the others, though if he stays seven days without her having requested it, he need only make up four with the others.

@17.10.10 The husband is entitled to leave home during the day to fulfill his needs and obligations.

@17.10.11 Dealing with a rebellious wife

When a husband notices signs of rebelliousness in his wife (nushuz, dis: 10.42) whether in words, as when she answers him coldly when she used to do so politely, or he asks her to come to bed and she refuses, contrary to her usual habit; or whether in acts, as when he finds her averse to him when she was previously kind and cheerful, he warns her in words without hitting her, because she may have an excuse.

The warning could be to tell her, "Fear Allah concerning the rights you owe to me," or it could be to explain that rebelliousness nullifies his obligation to support her and give her a turn amongst other wives, or it could be to inform her, "Your obeying me [def: (3) below] is religiously obligatory".

If she commits rebelliousness, he keeps from sleeping and having sex with her without words, and may smack her, but not in a way that injures her, meaning he may not bruise her, break bones, wound her, or cause blood to flow. It is forbidden to strike another's face.

He may smack her whether she is only rebellious once or more than once, though a weaker opinion holds that he may not smack her unless there is repeated rebelliousness.

To clarify this paragraph, we mention the following rulings:

1. Both man and wife are obligated to treat each other kindly and graciously.
2. It is not lawful for a wife to leave the house except by the permission of her husband, though she may do so without permission when there is a pressing necessity. Nor may a wife permit anyone to enter her husband's home unless he agrees, including their unmarriageable kin. Nor may she be alone with a non-family-member male, under any circumstances.
3. It is obligatory for a wife to obey her husband as is customary in allowing him full lawful sexual enjoyment of her person. It is obligatory for the husband to enable her to remain chaste and free of want for sex if he is able. It is not obligatory for the wife to serve her husband (dis: w-45.1); if she does so, it is voluntary charity.
4. If the wife does not fulfill one of the above-mentioned obligations, she is termed "rebellious" (nashiz), and the husband takes the following steps to correct matters:
 - (a) admonition and advice, by explaining the unlawfulness of rebellion, its harmful effect on married life, and by listening to her viewpoint on the matter;
 - (b) if admonition is ineffectual, he keeps from her by not sleeping in bed with her, by which both learn the degree to which they need each other;
 - (c) if keeping from her is ineffectual, it is permissible for him to smack her if he believes that smacking her will bring her back to the right path, though if he does not think so, it is not permissible. His smacking must not be in a way that injures her, and is his last recourse to save the family;
 - (d) if the disagreement does not end after all this, each partner chooses an arbitrator to solve the dispute by settlement, or divorce.

@*Chapter 17.11.0: THE WIFE'S FINANCIAL SUPPORT

@ "Support" means the financial rights of a wife.

@17.11.1 The rulings of this section are not recommendations for how much to spend, but rather define the minimum permissible, which is the minimum a miserly husband may lawfully spend. Extra spending on one's wife is charity.

@17.11.2 Food It is obligated upon the husband to provide for his wife's sustenance day by day. If he is affluent then he must daily furnish her with food generally eaten in one's town. If the wife asks for something other than the staple food of the town, the husband does not have to provide it for her, and if he gives her something besides the staple, she need not accept it.

If he is not affluent, then he is obligated to provide 0.51 liters of grain a day for his wife; while if between affluence and non-affluence, he must provide 0.77 liters per day.

There is an obligation upon a husband to cover the expenses of grinding it into flour and baking it into bread (even when she is used to doing it herself, as there would otherwise be need for this expenditure), and to buy the foods that normally accompany bread to make it savory and agreeable, as much as is customary in the town of meat, oil, and so forth (such as dates, vinegar, and cheese).

The obligatory measures differ with the seasons, it being necessary in each season to provide what is proper to it. Fruits might predominate in one season, and thus be obligatory. As for the obligatory amount of meat, one sees how much is customarily consumed in town per week.

If a husband and wife agree that he give her compensation in place of the above-mentioned food and other things she is entitled to, the compensation being in money or clothing, this is permissible.

@17.11.3 Articles for personal hygiene

The wife is entitled to whatever she needs for her hair, such as shampoo (lit. "sidr"), and a comb and things that are customary in the town must be provided.

Items that are cosmetic and not for cleanliness, such as eyeliner or henna, need not be provided, though the husband may provide them if he wishes. It is also obligatory for him to provide deodorant (lit. "litharge") or the like to stop underarm odor if water and soap will not suffice.

In the west, water is plentiful and is neither physically nor financially burdensome on the husband to provide, and water for daily bathing is taken for granted. However, in times of scarcity or in countries where water is difficult to obtain; perhaps the well is a distance away, or the husband is not a physically strong person to haul water, he is only obligated to provide water for the purifying baths and ablution for the prayer, together with the normal amount of drinking water.

@17.11.4 Cosmetics

Though it is not obligatory, it is rather recommended as noted by Imam Nawawi for the husband to pay for his wife's cosmetics etc and similar expenses. (A: also it is obligatory upon him to pay for any expenditures connected with childbirth).

@17.11.5 Clothing

A wife is entitled to the kind of clothing that is customary in town for dressing oneself and not just anything termed "clothing" will suffice.

What is obligatory is the amount necessary for the woman, which varies according to whether she is tall or short, thin or fat, and with the variations of hot or cold climates. In the summertime, it is obligatory to provide her with a head covering, dress, underwear, shoes, and a shawl, because of her need to go out; and wintertime it is obligatory to provide her with suitable clothing to protect her against the cold.

If she needs heating because of the severity of the winter, it is obligatory to provide it, together with the regular bedding, blankets, and pillows according to one's income.

@17.11.6 It is obligatory for the husband to give his wife the expenditures for her support at the first of each day, and to provide her clothing at the first of each season.

@17.11.7 If he gives her clothing for a season, and it wears out before the end of the season there is no obligation upon him to buy new clothing, though if it lasts beyond the season, he is nevertheless obligated to provide new clothing for each new season. The wife is entitled to dispose of the clothing as she wishes, whether by selling it or giving away in charity as it is her own property.

@17.11.8 Housing and servants

The wife is entitled to housing of the same quality as that of similar women. The standard of housing depends on the wife herself, while the standard for her clothing and support takes the circumstances of the husband into consideration. The difference is because the expenditures for her support and clothing become her own property and are not just for her use, whereas housing is solely for use. This means that while she can take compensation in place of food or clothing and buy some other kind, she cannot rent a different house and she is obligated to stay in the lodgings arranged for by her husband.

If she had servants in her father's house there is an obligation upon the husband to provide servants for her.

@17.11.9 Wife's entitlement conditions for support

The obligation of a husband is to support his wife when she gives or offers herself to him, meaning she allows him full enjoyment of her person and does not refuse him sex at any time of the night or day. She is not entitled to support from her husband when:

1. she is rebellious (nashiz, def: 17.10.12
2. she travels without his permission, or with his permission but for one of her own needs;
3. she assumes ihram for the Greater or Lessor Pilgrimage (21.3);
4. or when she performs a voluntary fast without her husband's permission. If he allows her to fast and does not ask her to break it, he must provide her support.

@17.11.10: Support for a woman during her post-marital waiting period
As for a woman in her post-marital waiting period (19.9), she is entitled to housing during that time no matter if it is because of her husband's death, a divorce in which the husband may take her back, or a threefold finalized divorce.

In case of husband's death, her support, in terms of food and clothing, is not obligatory to be provided to her during the waiting period. (19.5)

However, support must be provided in the waiting period it is not yet threefold divorce in which her husband may take her back.

If a woman in the waiting period of a threefold divorce is pregnant, she is given support for each day until the child is born, after which she is entitled to support and wages for taking care of the child, but if she is not pregnant, she is not entitled to support.

The clothing is like the support

@17.11.11 If the husband and wife disagree in court, when neither has proof (dis: 16.8.2) about whether she received her support from him, her word is accepted over his. If they disagree as to whether she allowed him full enjoyment of her person, then his word is accepted over hers unless he admits that she first made herself available to him, but claims she then refused, in which case her word is accepted over his.

@17.11.12 Whenever the husband neglects to provide his wife's support for a period of time, the amount he should have paid remains a debt he owes to her.

@17.11.3 The wife is entitled to annul their marriage whenever the husband is unable to provide her with the support obligatory for a non-affluent person to pay (17.11.2) and provide clothing or housing for her.

If she wishes, she may choose to bear with him by supporting herself with her own money, and the amount the husband is unable to pay remains a financial obligation that he owes her. If she does not wish to tolerate his financial incapacity, she cannot annul the marriage by herself, but must establish her husband's inability to support her before the Islamic judge, who annuls the marriage or allows her to do so, since he is the one who judges the matter. If no judge is available then she has two persons (Def: 9.21.4) decide).

@17.11.14 The wife is not entitled to annul the marriage when the husband is unable to provide foods other than the staple food, support her servant, or provide the support that must be provided by an affluent person or person between affluence and non-affluence (17.11.2).

@*Chapter 17.12.0: SUPPORT OF ONE'S WIFE, PARENTS AND CHILDREN

@17.12.1 Obligatory conditions of support

It is obligatory for one to support the persons listed below, whether one is male or female, when one has money in excess of one's own living expenses and those of one's wife:

1. one's father, paternal grandfather, and on up;
2. one's mother, maternal and paternal grandmothers and on up. It makes no difference what their religion is since the religion of the family members is of no consequence in any of the rulings of this section:
3. and one's children, male and female, their children, and on down.

Money in excess of one's own living expenses and those of one's wife means that there is an obligation upon one to sell, if necessary, to fulfill the obligation to support the above-mentioned persons, whatever must be sold when one has to pay debts, including real estate and other property.

Supporting the above-mentioned persons is only obligatory when:

(a) there is poverty a restriction applicable to both support of one's ancestors and one's descendants, meaning that it is necessary in order for it to be obligatory to support one's ancestor that the ancestor be poor, since if he has enough money, one need not support him;

(b) an incapacity to earn a living due to chronic illness, being a child, or to mental illness. This condition is only applicable to support of one's offspring, not of one's forefathers. If an impoverished ancestor, such as one's father, were able to earn a living from a job suitable to him, it would nevertheless be obligatory for one to support him, and he would not be called upon to gain livelihood, because of the extreme respect due to him, as opposed to one's descendant, whom one need not support if the descendant is able to earn his own living, but who rather is called upon to do so himself.

@17.12.2 There is an obligation upon the son is to support his father's wife if the father is unable.

@17.12.3 When a person has both ancestors/forefathers/forebears and children deserving support but does not have enough for all, then after himself and then his wife he gives precedence to :

1. his mother
2. his father
3. his young son, or daughter
4. and then to his adult children if they are unable to earn.

@17.12.4 The amount of such support must be enough to suffice, though it does not become a debt owed by the person who should have given it even though the person upon whom there was an obligation has committed a sin by allowing the time to pass.

@17.12.5 When a father who is poor needs to marry, then a son who is financially able must provide him with the means to keep him chaste by finding him a wife, that is by providing a marriage dowry (mahr, def: 17.8).

@17.12.6 Supporting one's homestead.

Whosoever owns an animal, he is obligated to pay for its maintenance.

The restoration and maintenance of property without a living spirit, such as a canal or house, is not obligatory for its owner. Mutawalli explains this by the fact that such maintenance is an augmentation to the property and as such is not mandatory, as opposed to livestock, whose owner must feed them, since to neglect to do so would entail harm for them. Other scholars explain the difference in terms of the sacredness of animate life, which the author of al-Istiqsa' ('Uthman ibn 'Isa Marani) says is the reason that it is wrong for someone to prevent living things from drinking surplus water (dis: 10.69), while it is not a sin to neglect watering crops.

@*Chapter 17.13.0: CHILD CARE AND CUSTODY

@ The meaning of "child care" in Sacred Law is the protection of someone who does not possess discernment and cannot manage for himself, whether a child or a mentally ill adult, by seeing to his interests through such things as bathing him, washing his clothes, or grooming him; or securing an infant in the cradle, and protecting him from death or harm. It entails a kind of authority and control and may be possessed by either men or women, though women have a better right to it, since they are more tender towards children, more patient in carrying out the demands of the task, more discerning in raising children, and more steadfast in staying with them. The following discussion first centers on who best deserves the custody of a child, in order of precedence, and then treats the characteristics of the guardian and ward.

@17.13.1 The person with best right to the custody of a child when there is a dispute is in the following order:

1. the mother;
2. the maternal grandmother, maternal great grandmother, and on up, such that the one of the generation closest to the child takes precedence;
3. the father;
4. the father's mother, paternal grandmother, and on up, where again, the one of the generation closest to the child takes precedence;
5. the paternal grandfather;
6. the father's great grandmother, her mother, and on up, where the one of the generation that is closest takes precedence;
7. full sister;
8. full brother, when the siblings are all male or all female and there is a disagreement over who should have custody, they draw lots to see who will take custody of the child. When both males and females exist, females take precedence;
9. the child's half brothers or sisters from the same father;

10. the half brothers or sisters from the same mother;
11. the maternal aunt;
12. the daughters of the full brothers;
13. the sons of the full brothers;
14. the daughters of the half brothers from the same father;
15. the sons of the half brothers from the same father;
16. the daughters of the half brothers from the same mother;
17. the sons of the half brothers from the same mother;
18. the paternal aunt;
19. the paternal uncle;
20. the daughters of the maternal aunt;
21. the daughters of the paternal uncle;
22. and then the paternal nephew.

@17.13.2 The necessary conditions for a person to have custody of a child are:
(a) uprightness (9.24.4). A corrupt person may not be a guardian, because child care is a position of authority, and the corrupt are unqualified for it. Mawardi and Ruyani hold that outward uprightness (17.3.3(f)) is sufficient unless there is open wrongdoing. If the corruptness of a child's mother consists of her not performing the prayer (salat), she has no right to custody of the child, who might grow up to be like her, ending up in the same vile condition of not praying, for keeping another's company has its effects;
(b) sanity. Since a mother uninterruptedly insane has no right to custody, though if her insanity is slight, such as a single day per year, her right to custody is not vitiated by it;
(c) and if the child is Muslim, it is a necessary condition that the person with custody be a Muslim, this is because it is a position of authority, and a non-Muslim has no right to authority and hence no right to raise a Muslim. If a non-Muslim were given charge of the custody and upbringing of the child, the child might acquire the character traits of unbelief (kufr).

@17.13.3 It is offensive to send one's children to a day-care center run by non-Muslims. It is unlawful to send Muslim children to Christian schools, or those which are designedly atheist, though it is not unlawful to send them to public schools in which religion is not mentioned in a way that threatens the students' belief is Islam.

@17.13.4 A woman has no right to custody of her child from a previous marriage when she remarries because married life will occupy her with fulfilling the rights of her husband and prevent her from tending the child. It makes no difference in such cases if the new husband agrees or not since the child's custody in such a case automatically devolves to the next most eligible on the list (dis: 17.13.1), unless the person she marries is someone on the list who is entitled to the child's custody anyway as opposed to someone unrelated to the child, since such a person, even if willing, does not deserve custody because he lacks the tenderness for the child that a relative would have.

@17.13.5 When a child reaches the age of discrimination, which generally occurs around seven or eight years of age, he is given a choice as to which of his parents he wants to stay with, because the Prophet - may Allah venerate him and give him peace - gave a young boy the choice between his father and his mother.

The child is only given such a choice when the necessary conditions for child custody (17.13.2) exist in both parents. If one of them lacks a single condition, then the child is not given a choice, because someone lacking one of the conditions is as though non-existent.

If the child chooses one of the parents, he is given to the care of that one, though if a son chooses his mother, he is left with his father during the day so the father can teach him and train him.

Other possible outcomes of such a choice are when the child chooses both parents, in which case they draw lots to see who receives custody of him; or when he chooses neither, in which case the mother takes precedence since the custody is hers, and the child has not chosen someone else.

If the child subsequently chooses the other parent, he is given to the care of them because he might want to stay with one of them at one time and with the other at another. Or the child's intention might be to maintain good relations with both sides. The author restricts the permissibility of such cases of transferring the child's custody from one to another by saying that unless it is apparent that the child is just loves to go back and forth or is weak-minded which indicates his lack of discernment. In such cases his choice is not followed, and he remains with whomever he was with before reaching the age of discernment.

@*BOOK 18: Sexual Practice
The Definitive Islamic Guide by Ahmad Darwish as-shaykh

We hope we have guided you in the physical pleasure to get ready for the spiritual pleasure, which is the real everlasting pleasure.

Disclosures

This chapter honors the Islamic American traditions to marry, and believes it is the utmost goal for every person, and any practices short of this should be Islamalized and upgraded to such high rank that upholds our Islamic American values. This book was written to help to convert to the best kind of Islamic family.

If you like to improve on the pleasure and joy sex from your spouse, maybe the section entitled "Islamic Sex and Pleasure: What is permitted? What is not permitted?" Is for you to enjoy.

www.Muhammad.com ,was the first and is the largest Islamic site on the web. During the past decade we received a large amount of enquiries about sexual practices from marriage to one-night-stands and instead of listing these questions and answers, it was decided to produce a manual to address the inquirers thoughts.

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1. A MUSLIM SCHOLAR'S OPINION OR PRESENCE IS ESSENTIAL

IN ALL CASES, YOU SHOULD CONTACT A LEARNED SCHOLAR TO ASK FOR A SPECIFIC DIAGNOSIS TO YOUR PERSONAL CASE, AS THE ISLAMIC RULING AND JUDGMENT DIFFERS DEPENDING ON THE SITUATION. THIS BOOKLET MAYBE HELPFUL. YET A MUSLIM SCHOLAR'S OPINION OR PRESENCE IS ESSENTIAL TO AVOID MISUNDERSTANDING, CONFUSION, AND CHAOS.

2. What is sex for?

In a short answer to have legal (Islamic) babies to protect the human race and as an incentive both male and female get the bonus of pleasure (stay tuned, you will be surprised when we list the maximum amount of pleasure you can have). However, Islamic babies are the most important reason for having sex and it is the focus of this book.

3. The difference between an Islamic marriage and non-Islamic marriage Islamic methodology has to be applied which is simply:

Give the bride a dowry.

If she is a Muslim virgin from a Muslim father, then the father's approval is needed in advance. (A Muslim virgin: this is a terminology meaning never married before even if she sinned and had sex before the father's approval is needed in advance and she can get his approval by his proxy or directly verbally from the father)

We also recommend a notarized, irrevocable Islami⁸.Marriage affidavit

Pronouncement: "Zawajtuka Nafsi" (I gave myself in marriage) and "Qabelt" (I accept)

Two honest, male Muslims must be witnesses before having sex.

According to the instructions of Allah and His Prophet (sa), a Muslim girl cannot marry a non-Muslim boy. (This is not our fabrication, again it is that of Allah and His Prophet (sa), therefore the only way out is for the boy to convert to the Islam).

When a married couple convert from either Christianity or Judaism and were married according to their previous religious rites, their marriage is still valid in Islam so they do not have to remarry.

Power of attorney to act on a bride or groom's behalf is allowed, even if the couple are far from each other.

The prospective bride and groom must not be under age.

Check both health (blood test, etc.) and the financial ability of the prospective husband, since he is the maintainer of the family.

Islam introduced strenuous and tough conditions to marry more than one wife and the percentage of polygamy is less than 1% in Islamic world and the maximum wives permitted is four. Since there is no Islamic law in USA it will be Islamic to have one wife since Islam encourages people to abide by the laws of the non-Muslim country in which they live.

We recommend a notarized irrevocable letter of understanding or notarized irrevocable Islamic-Marriage affidavit that states:

1. They are getting into this transaction to avoid any false claim of rape.
2. That no abortion will be conducted on an unborn child.
3. Pregnancy prevention is allowed but abortion is not allowed, since the baby's heart starts beating in the first few weeks.

4. Having Muslim children is good thing and makes the Prophet (sa) proud of you.
5. The faith of the child is Islamic
6. The birth certificate mentions the full name of each parent.
7. Both will contribute to the welfare of the child and bring him/her up as a good Muslim and sound citizen.
8. The child will not be given in adoption, because Islam does not allow it.
9. A child can be fostered only by a Muslim caring party
10. In case of death, the child will be given only into Islamic care or orphanage in USA or abroad.
11. All Islamic jurisprudence and its laws and regulations are applicable.
12. Add any other rules deemed Islamic they may agree upon.

3. How people are marrying, and how to convert their marriage to comply with Islamic methodology.

There are many ways to accomplish this and all are practiced.

1. If both are born in an Islamic society or in the west to both Muslims families and marry according to Islam then register it in courts to extend the legal rights of the civil society. This is the best way and is strongly recommended.
2. If the girl is not Muslim there is no need for a Muslim guardian, but it is recommended.
3. If she is Muslim, and her family are not Muslim, then she must seek a Muslim guardian approved from her neighborhood, i.e. Mosque's Imam or respected honest person who knows her.
4. Marry the old fashion way, get a license and register in court. However, this is not Islamic till you add to it the Islamic methodology of giving dowry, guardian (for Muslim virgin with Muslim father), wording and witnessing. You must do it before having sex and if you failed to do so, apply the Islamic methodology as soon as possible while both must ask for forgiveness from Allah.
5. Common law marriage when two just move in and live together and practice sex. This is not an Islamic till you add to it the Islamic methodology of giving dowry, guardian (for Muslim virgin with Muslim father), wording and

witnessing. You must do it before having sex and if you failed to do so, apply the Islamic methodology as soon as possible while both must ask for forgiveness from Allah.

6. Dating while having sex. This is not an Islamic till you add to it the Islamic methodology of giving dowry, guardian (for Muslim virgin with Muslim father), wording and witnessing. You must do it before having sex and if you failed to do so, apply the Islamic methodology as soon as possible while both must ask for forgiveness from Allah.

7. IN ALL CASES, YOU SHOULD CONTACT A LEARNED SCHOLAR TO ASK FOR A SPECIFIC DIAGNOSIS TO YOUR PERSONAL CASE, AS THE ISLAMIC RULING AND JUDGMENT DIFFERS DEPENDING ON THE SITUATION. THIS BOOKLET MAYBE HELPFUL. YET A MUSLIM SCHOLAR'S OPINION OR PRESENCE IS ESSENTIAL TO AVOID MISUNDERSTANDING, CONFUSION, AND CHAOS.

8. One-night-stand. Islam strongly discourages people from committing such irresponsible acts. Islam encourages people and society to establish sound and happy families and live happily ever after. However, if one is faced with a situation of committing fornication and/or adultery for the male, one is encouraged to perform a marriage methodology which includes: dowry, guardian (for Muslim virgin with Muslim father), wording and witnessing and extend it from one night to in indefinite nights. You must do it before having sex and if you failed to do so, then you have already committed a sin. Apply the Islamic methodology as soon as possible while both must ask for forgiveness from Allah and would like to live longer than one night to convert into a good long lasting relationship. If this is not done, it is pure fornication. See below number 8. *Muslims who marry outside of Islam and have sex will be subject to punishment*

4. What is the Islamic way of marriage?

In the same way that it is unnecessary for a clerk to be present or a visit to the mosque to convert to Islam, an Islamic marriage can take place without these factors

Once you do embrace Islam all your sins are forgiven and exchanged by rewards and merits as long as you keep the daily prayer, you fast and pay 2.5% of your annual saving to poor people and visit Mecca on Hajj season once in life time once you are able.

1. The basic Islamic marriage is a verbal agreement
2. Both agree to marry
3. Guardian and his approval are required if she is a virgin Muslim
4. Two male Muslims witnesses

5. Dowry
6. Statement of
7. "I gave myself to you in Marriage": Zawajtuka Nafsi upon payment of the dowry of \$###.## according the Religion of Islam and the ways of Prophet Muhammad, praise and peace upon him.
8. "I accepted": Qabelt

If a power-of-attorney is used by the father's representative or the would-be wife, then say:

"I give her with the power of attorney trusted in me: zawajtuka muwakilati upon the payment of a dowry of \$ ###.## according the Religion of Islam and the ways of Prophet Muhammad, praise and peace upon him. "I accept": Qabelt

5. Her rights

1. Food
2. Cloth
3. Shelter
4. Sexual function and activity. If within 6 months they cease to have a sexual activity, she may go to the scholar who performed her marriage ceremony and ask for separation.

6. Islamic Sex and Pleasure: What is permitted? What is not permitted?

A. Prophetic Way

All prophets had sexual intercourse in one way, which is simply, and remember prophets were given the power of many men.
Start with a supplication for a goodly baby
In ablution status

Getting under a sheet on the bed and start playing, then penetrate only the front from any direction, till both received their share of pleasure.

Then they lay on the right side for a while.
If decided to repeat, they wash their privates first.

This is then followed by taking a major Islamic shower.

And avoid facing or giving backs to the prayer direction

B. Western Common people ways of sex

Follow the way of the prophets as much as you can.

If want more read on:

10. Sex made easy for common people with an Islamic prospective

- Stop at once to observe the obligatory prayer. If it is Ramadan then intercourse must not take place after the time for fasting has commenced.
- Blood test should be performed for safety
- One should shower before and after
- Make ablution
- One is recommended to wash privates before any repeat
- Lay for a while on right side after intercourse - perhaps hugging
- Tongue scrapping and mouth cleaning is recommended.
- All skin loving while standing and massage is recommended.
- Both should work equally to please the other and reach a climax.
- Should communicate to each other about feelings and guide each other for more pleasure and satisfaction.

Sex Tools regulations

Do not follow the sex tools manual, which are against the Islamic regulations

Who administrates what: male administrates female tools and female administrates male tools No self-usage, or self service, or self pleasure No same sex, no group sex, no sex with forbidden relatives (sisters, mothers, daughters etc) Oral sex is not honorable, and Koran refers to liquid there as “maa’ maheen” which is not nice.

No anal sex, no tools for anal sex for either man or woman

Yes for kissing, licking massaging etc. all the body except anal and sex organs.

No anal penetration but okay to penetrate the vagina from the back direction No self-masturbation with or without tools

Okay to masturbate each other, occasionally, not to be the norm!

During sex it is not recommended for a woman to massage her breasts or private parts, it is preferable for her husband to do this under her guidance and she in turn work her hands over his body, if she is in state of enjoyment and does not think and touched herself is okay as long as she is in action with him, since this is forbidden that she practices this alone as a self service that leads to masturbation which is forbidden.

7. An example of a man and wife's sex session

As you know the timing of orgasm is usually is different, so we have to keep this in consideration.

A. Environment

Nice place, use the light, candle, red/any color see through cloth, fire place etc., what ever makes both of you happy.

A shower is highly recommended

Clean fresh cloth

All body odors removed

Cleansing the tongue, use a tongue scraper and mouth wash

Keep your regular dentist teeth cleaning visits and teeth whitening

Perfumes and bubble gum

Find a flavor you like – ice cream, chocolate - to eat together so you can lick each other

B. Be creative

For example if you get tired of resting on your arms and knees, make a love table that is leveled to your organ height so you can penetrate while your hands are free and no discomfort to one's knee so you can use your hands applying more loving touches, there are even suspensions (like sleeping net bed) that hold the female into positions for the fun of it. There are about 106 lovemaking positions.

Both should participate and not cease before both have enjoyed an arousal and passionate activities etc.

C. The female three pleasurable areas

A mature girl can be aroused in one hour in a lab 134 times while a mature man can arouse 17 times in one hour.

The lady pleasure areas mainly three in the Vagina

1. Clitoris (like a nut some call it miniature penis) outside on the top area of the vagina
2. G- Spot – located beyond Clitoris inside the vaginal upper front area
3. The Cervix, the mouth of the Uterus (womb), kind of the bottom of the vagina

Husband to handle them with his left hand (not the right hand) and with his organ ...

The best two practical tools are the male organ ring which is a soft rubber hose having both ends fastened together via a bead which works as adjustment,

WARNING its usage is ONLY no more than 20 minutes a session to stop a male from ejaculating.

The second tool is any battery-charged multi speed vibrator to be put outside on top of the wife's clitoris during (or before and after) the intercourse will add great enhancement to the pleasure.

Another tip for the couple is that the wife motionless but she should use her hands to massage her husband and move her hips at different speed while using her vagina to grip her husband organ, which will also add pleasure for the couple. However the speed and excitement can vary for mutual comfort of the couple.

Matured sisters:

With older age and daily pollutions, it one may experience vaginal dryness, which is no big deal, if handled properly. A great tip for any wife in this area is to follow:

- 1) Get a plastic tube with a smooth surface and no rough edges about the size of a tampon.
- 2) Poke a hole in one end in order to fix a string by puncturing one end with a hot needle.
- 3) Fix the string securely so that if you tug it the string will not detach from the plastic tube.
- 4) Get a standard house hold sponge that you can shape to insert into the plastic tube. Shape the sponge by trimming it to an approximate size of the tube.
- 5) Insert the dry sponge into the tube.
- 6) Apply hot water to the sponge soaking it.
- 7) Lightly lubricate the tube for easy insertion into the vagina.
- 8) Insert tube 10 - 15 minute prior to the marriage act (love making).

This allows the vagina to be warm and slick before the sex act. Apply additional lubrication by hand on front ring of the vagina (point of entry). Make sure to use an antiseptic cleanser on all tools after every use to prevent infection. Lastly, DO NOT reveal your secret to your husband, and the husband should have decency and not question the circumstance.

Finally we highly recommend the couple should not share the rest room with one another during the call of nature, in order not to cause future dislike between each other. However, this does not apply for the shower.

All aspects of foreplay and sexual intercourse will covered, along with basic information on safe sex, male and female sex organs, and sexual response. To complete this Sex Guide, will expand your lovemaking horizons.

d. Three Steps for Extended Pleasure

A couple after having an intimate encounter may wish to engage in the marriage-act again following ejaculation. The following steps may be repeated multiple times based on the preference of the couple:

1) The couple should first observe hygiene washing the private area cleaning themselves of excess discharge and make ablution (this is not good for prayer) in order to freshen up and to make love again.

2) Since there are lot of liquid in the female organ after first ejaculation, the male has to start drying his organ during making love in this way: after every dip he dries his organ using paper towels or a towel, no body knows this nice how-to. Thanks for an elder Muslim in Chicago who told me when I informed him about this book, great tip!

If this is not done both the male and female may experience a lose in sensitivity, reducing pleasure, due to excess liquid from first sexual ejaculation.

3) Lastly, a warm washcloth (small towels) may be applied to the male genitals to assist in re-erection. The washcloth may be heated in the microwave or by using hot water from faucet.

The couple must keep in mind NOT to look to closely or examine one another's private parts. This is disliked Islamically and may cause hostility or bad feelings between the couple. This type of base physical familiarity breeds contempt.

Remember having "erection" is not a must to enjoy making love. If husband continues moving his organ outside over his wife's organ both will enjoy and maybe sooner erection can start. Lubrication is must in any re-play and both can be over each other or alternate. Also, if the husband uses his fingers to play with her Clitoris (like a nut some call it miniature penis) outside on the top area of her vagina, she will enjoy and the pleasue can happen several times for her. However, you have to be delicate and handle lightly not with force.

8. Muslims who marry outside of Islam and have sex will be subject to punishment

A. Koranic Verses that speak of punishing those who practice fornication

Allah, the Exalted says:

25 ... Marry them with the permission of their people and give them their wages (dowry) honorably being women in marriage and chaste, not taking lovers. ...

That is for those of you who fear fornication, but it is better for you to be patient. Allah is the Forgiver, the Most Merciful.

26 Allah wishes to make this clear to you and to guide you along the ways of those who have gone before you, and turns towards you. And Allah is the Knower, the Wise.

27 Allah wishes to turn towards you, but those who follow their lower desires wish you to greatly swerve away.

5 The good things have this day been made lawful to you. The (non slaughtered) food of those to whom the Book was given is lawful to you, and your food is lawful to them. Lawful to you (in marriage) are the free believing women and the free women from among those who were given the Book before you, provided that you give them their dowries in marriage, neither committing fornication nor taking them as mistresses. Whosoever denies the belief, his labors will be annulled. In the Everlasting Life he is of the losers.

32 Do not draw near to fornication, for it is an indecency, and its way is evil.

28 Allah wishes to lighten for you (the jurisprudence), and humans are created weak.

25 The Criterion - Al-Furqan

In the Name of Allah, the Merciful, the Most Merciful

1 Blessed is He who has sent down the Criterion to His worshiper (Prophet Muhammad), that he is a warner to all mankind;

2 to whom the Kingdom of the heavens and the earth belongs, who has not taken a son, nor does He have an associate in the Kingdom, and He created everything, then He ordained it very precisely.

3 Yet they worship, other than Him, gods which cannot create anything and were themselves created. They own neither harm nor benefit for themselves, neither do they own death nor life, nor a resurrection.

4 The unbelievers say: 'This is but a falsehood he has forged – another nation has helped him.' So they have come with wrong and falsehood.

5 They say: 'He has written tales of the ancients, they are recited to him at dawn and at the evening.'

6 Say: 'It was sent down by Him who knows the secrets of heavens and earth. He is Forgiving, the Most Merciful.

47 It is He who has appointed the night a mantle for you and sleep for a rest. The day He has appointed for rising.

48 It is He who loosens the winds, bearing glad tidings before the Hands of His Mercy, and We have sent down pure water from the heaven,

49 so, that with it We revive dead lands and provide drink for the cattle and the human We created.

50 We have indeed turned it about them, so that they remember; yet most people refuse all except disbelief.

51 Had it been Our will, We could have raised a warner in every village.

52 So do not obey the unbelievers, but struggle mightily with it (the Koran).

53 It was He who let forth the two seas, this one is palatably sweet and this salt, a bitter taste, and He set a barrier between them, and a refuge which is forbidden.

54 And it is He who created the human from water and gave him kindred of blood and of marriage. Your Lord is the Powerful.

55 Yet they (the unbelievers) worship, other than Allah, that which can neither benefit nor harm them. Surely, the unbeliever is ever a partisan against his Lord.

56 We did not send you but as a bearer of glad tidings and as a warner.

57 Say: 'I demand of you no wage for this except for he who wishes to take the Path to his Lord.'

58 Put your trust in the All Living who never dies, and exalt with His praise, He is sufficiently aware of His worshipers' sins.

59 (It is) He who, in six days created the heavens and the earth and all that lies between them, and then He willed to the Throne. The Merciful; ask about Him from he who knows Him.

60 When it is said to them: 'Prostrate yourselves before the Merciful', they ask: 'And what is the Merciful? Shall we prostrate ourselves to whatever you bid us?' And it increases their aversion.

61 Blessed be He who has set the constellations in the heaven, and set amongst them a sun, and an illuminating moon.

62 It is He who has made the night and day follow each other for those whom He desires to remember or He desires to be thankful.

63 The worshipers of the Merciful are those who walk humbly on the earth, and when the ignorant address them say: 'Peace,'

64 who pass the night prostrating and standing to their Lord.

65 Who say: 'Our Lord, turn from us the punishment of Gehenna, for its punishment is the most terrible;

66 it is an evil settling, and an evil residence.'

67 who when they spend are neither wasteful nor miserly, between that is a just stand,

68 who do not call upon another god with Allah, nor slay the soul which Allah has forbidden except by right; who do not fornicate, for he who does this shall face punishment

69 doubled for him on the Day of Resurrection is his punishment, and therein he shall live, humbled,

70 except he who repents and believes and does good works - those, Allah will change their evil deeds into good deeds; Allah is ever Forgiving and Merciful.

71 He who repents and does good works truly turns to Allah in repentance,

72 and those who do not bear false witness, and when they pass by idle talk, pass by with honor

73 and who when they are reminded of the verses of their Lord, they do not fall down deaf and blind.

74 Those who say: 'Lord give us of our wives and children what pleases our eyes and make us leaders to the fearful.'

75 Those shall be recompensed with the highest rank for their patience. There they shall receive a greeting, and peace!

76 There they shall live for ever; a fine dwelling place, and residence.

77 Say: 'My Lord cares little for you if it was not for your supplication, indeed you have belied (the Messenger and the Koran) so it (the punishment) will be fastened.'

24 2 You shall scourge the fornicatress and the fornicator each with a hundred lashes. According to the religion of Allah, let no tenderness for them seize you if you believe in Allah and the Last Day; and let their punishment be witnessed by a party of believers. (This is not applicable in non-Islamic land)

B. Prophetic Quotations that speaks of punishing those who practice fornication

Avoid doing harm.

Because indeed, doing harm is darkness on the Day of Resurrection.

Safeguard yourselves against miserliness, For miserliness has ruined nations before you.

It incited them to murder

and to treating unlawful sexual practice (i.e. fornication and sodomy) as lawful.

{Ref Muslimun with a chain up to Jabir who related that the Prophet, praise and veneration be upon him, said the above}

FORNICATION OF THE EYES, EARS, TONGUE, HAND, FEET, HEART AND GENITALS

Any share of fornication of the son of Adam is written and no doubt he will reach it:

The fornication of the eyes is looking at that which is forbidden.

The fornication of the ears is listening to that which is forbidden.

The fornication of the tongue is saying that which is forbidden.

The fornication of the hand is grasping that which is forbidden.

The fornication of the feet is walking to that which is forbidden.

The fornication of the heart yearns and desires and the genitals either confirm it or contradict it.

{Ref. 1667 Muslimun with a chain up to Abu Hurairah who related that the Messenger of Allah, praise and veneration be upon him, said the above}

Have Halal Fun. And here is how to introduce your spouse to Islam

c. Prophet Joseph refused to fornicate, and even entered the jail instead.

12 The Prophet Joseph -Yusuf

In the Name of Allah, the Merciful, the Most Merciful

[12.1] AlifLaamRa. Those are the verses of the Clear Book.

[12.2] We have sent it down, an Arabic Koran, in order that you understand.

[12.3] In the sending down of this Koran, We will narrate to you (Prophet Muhammad) the best of narratives, of which you were previously unaware.

[12.4] When Joseph said to his father: 'Father, I saw eleven planets, and the sun and the moon; I saw them prostrating themselves before me. '

[12.5] He said: 'O my son, say nothing of this vision to your brothers lest they should cunningly plot against you indeed, satan is the clear enemy of the human, [12.6] so your Lord will choose you and teach you the interpretation of visions, and perfect His Favor upon you and upon the House of Jacob, as He perfected it on

your fathers Abraham and Isaac before you. Your Lord is Knowing, Wise.

[12.7] Indeed, in Joseph and his brothers there were signs for those who inquire.

[12.8] They said: 'Joseph and his brother are dearer to our father than ourselves, even though we are many. Truly, our father is obviously wrong.

[12.9] (Let us) kill Joseph, or cast him away in some (far off) land, so that your father's face will be left for you, and afterwards you will be a righteous nation. '

[12.10] One of them said: 'No, do not kill Joseph, if you do anything, cast him into a dark pit, a traveler will pick him up. '

[12.11] They said: 'Father, what is the matter with you, do you not trust us with Joseph? Indeed, we are sincere advisors.

[12.12] Send him with us tomorrow to frolic and play. We will look after him. '

[12.13] He said: 'It grieves me to let him go with you, for I fear lest the wolf should devour him when you are not paying attention to him. '

[12.14] They said: 'We are many, if a wolf devours him, then we are losers! '

[12.15] When they went with him, they agreed to put him in the bottom of a well.

We revealed to him: 'You shall tell them of what they did when they are not aware (it is you). '

[12.16] At nightfall, they returned weeping to their father.

[12.17] They said: 'We went racing and left Joseph with our things. The wolf devoured him, but you will not believe us, though we speak the truth. '

[12.18] And they brought his shirt (stained) with blood, a lie. He said: 'No, your souls have tempted you to do something. But come sweet patience! The help of Allah is always there to seek against that which you describe. '

[12.19] Thereafter travelers came, and sent their waterman. And when he had let down his pail, (he cried:) 'Rejoice, a boy! ' Then they concealed him among their merchandise, but Allah knew what they did.

[12.20] Then, they sold him for a trifling price, a number of dirhams, because they considered him to be of little value.

[12.21] The Egyptian that bought him said to his wife: 'Make his stay honorable. He may benefit us, or take him for our son. ' As such We established Joseph in the

land, so that We might teach him the interpretation of visions. Allah prevails in His affairs, though most people do not know.

[12.22] And when he reached maturity, We bestowed on him judgment and knowledge. As such We recompense those who do good.

[12.23] And she, in whose house he was, sought to seduce him and closed the doors saying: 'Come! ' 'In Allah is my refuge! ' he replied. 'My Lord has made my dwelling a good one. Harmdoers never prosper. '

[12.24] She desired him, had he not been shown the proof of his Lord he would have taken her. But We turned him away from evil and abomination, for he was one

of Our sincere worshipers.

[12.25] They raced to the door and she tore his shirt from behind. And by the door, they met her husband whereupon she said: 'What is the recompense of one whose intent is evil against your people other than being imprisoned, or sternly punished! '

[12.26] He (Joseph) said: 'It was she who sought to seduce me, ' and a witness (an infant) of her people bore witness, saying: 'If his shirt is torn from the front, she is

speaking the truth and he is one of the liars,

[12.27] but, if his shirt is torn from behind, she lied, and he is of the truthful. '

[12.28] And when he saw his shirt torn at the back, he said: 'This is one of your (women's) guiles. Your guile, (O woman), is great indeed!

[12.29] Joseph, turn away from this. And you, ask forgiveness for your sin. You are indeed one of the sinners. '

[12.30] Certain women in the city said: 'The Governor's wife has sought to seduce her servant. He has made her heart stricken with love for him. Clearly, we perceive her to be in error. '

[12.31] When she heard of their sly whispers, she sent for them and prepared a banquet. To each she gave a knife, (then called Joseph saying:) 'Come and attend to

them. ' When they saw him, they were so taken with him that they cut their hands, and said: 'Allah save us! This is no mortal, he is no other but a noble angel! '

[12.32] Whereupon she said: 'Now you see, this is he on whose account you blamed me. Yes, I sought to seduce him, but he was unyielding. If he declines to do

what I command, he shall be imprisoned and be one of the humiliated. '

[12.33] He supplicated: 'Lord, prison is dearer to me than that to which they invite me. Yet if You do not shield me from their guile I shall yield to them and be one of the ignorant. '

[12.34] His Lord answered him and He turned their guile away from him. Indeed, He is the Hearer, the Knower.

[12.35] Then it seemed good to them, even after they had seen the signs, that they should imprison him for some time.

[12.36] Two young men went to prison with him. One of them said: 'I saw (in a vision) that I was pressing grapes. ' And the other said: 'I saw (in a vision) that I was

carrying bread upon my head, and that birds ate of it. Tell us its interpretation, for we can see you are among the good. '

[12.37] He said: 'Before any food comes to feed either of you, I will give you its interpretation. That which I will tell you has been taught to me by Allah. I reject the

belief of a nation who do not believe in Allah and disbelieve in the Everlasting Life.

[12.38] I follow the creed of my fathers, Abraham, Isaac, and Jacob. It is not for us to associate anything with Allah. Such is the favor of Allah to us, and to mankind. Yet most people do not give thanks.

[12.39] My fellowprisoners, say which is better, many gods at variance, or Allah the One, the Conqueror?

[12.40] That which you worship, other than Him, are nothing but names which you and your fathers have named and for which Allah has sent down no authority.

Judgement rests with Allah alone. He has commanded you to worship none except Him. That is the right religion, yet most people do not know.

[12.41] My fellowprisoners, one of you will pour wine for his lord whereas the other will be crucified, and birds will peck at his head. The matter you inquired about

has been decided.

[12.42] And he said to the one of the two who he knew would be saved: 'Mention me in the presence of your lord. ' But satan made him forget to mention him to his

master, so that he remained in prison for a certain number years.

[12.43] The king said: 'I saw in a vision seven fatted cows being devoured by seven lean ones; and seven green ears of corn and seven others withered. My counselors, tell me the meaning of my vision, if you can interpret visions. '

[12.44] They said: 'They are confused nightmares, nor do we know anything of the interpretation of visions. '

[12.45] After all that time, the one of the two who had been saved remembered, he said: 'I will interpret it for you, so let me go. '

[12.46] (He said:) 'Joseph, the truthful, tell us of the seven fatted cows that were devoured by seven lean ones also of the seven green ears of corn and the other seven which were withered, so that I can go back to the people and then they will then know. '

[12.47] He replied: 'You shall sow for seven years as is your way. Leave in the ear (of corn) you reap, except a little which you eat.

[12.48] Thereafter, seven hard years will come upon you which will consume all but little of that which you have stored.

[12.49] Then, there will come a year in which people are helped, in which the people will press. '

[12.50] The king said: 'Bring him before me. ' But when the king's envoy came to him, he said: 'Go back to your lord and ask him: "What about the women who cut their hands. Indeed, my Lord knows their guile. '

[12.51] 'What was your business, women, ' he asked, 'when you solicited Joseph? ' 'Allah save us! ' they replied. 'We know no evil against him. ' The Governor's wife said: 'The truth has been discovered at last; I solicited him; he is among the truthful.

[12.52] This (I have done) so that he will know I did not secretly betray him, and that Allah does not guide the guile of the treacherous.

[12.53] Yet I do not consider my soul was innocent, surely the soul incites to evil except to whom my Lord has mercy; indeed, my Lord is Forgiving, the Most Merciful. '

[12.54] The king said: 'Bring him before me. I will assign him to myself. ' And when he had spoken with him he said: 'Today, you are firmly established in both our favor and trust. '

[12.55] He (Joseph) said: 'Give me charge of the storehouses of the land, I am a knowledgeable guardian. '

[12.56] And as such We established Joseph in the land to live wherever he liked. We bestow Our Mercy on whom We will, and We never waste the wage of the righteous.

[12.57] Indeed, the reward of the Everlasting Life is better for those who believe and are cautious.

@*BOOK 19: DIVORCE

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@*Chapter 19.1.0: WHO MAY EFFECT A DIVORCE

@ The legal basis for the permissibility of divorce on which the consensus of all Muslim scholars is the Koran and Prophetic practice.

Allah, the Most High says,

"Divorce is twice..." (Koran 2.229).

As for the Prophetic practice, there is the rigorously authenticated (sahih) Prophetic quotation (Ahadith) that the Prophet - may Allah venerate him and give him peace – said,

"No permissible thing is more detested by Allah than divorce."

Our Shaykh Bajuri, says the meaning of "permissible" in the Prophetic quotations (Ahadith) is offensive, since it is permissible, meaning lawful, although detested by Allah.

Its integrals are five:

- (a) the spoken form;
- (b) the wife;
- (c) the authority to effect it;

- (d) the intention:
- (e) and the person who effects it (i.e. the husband).

@19.1.1 Divorce is valid from any:

- (a) husband;
- (b) who is sane;
- (c) has reached puberty;
- (d) and who voluntarily effects it.

A divorce is not valid from:

1. a child;
2. someone insane;
3. someone who is wrongfully coerced to divorce his wife, for example, if an important public figure were to threaten one with a death threat, dismemberment, severe beatings, or even verbal abuse or a minor beating. In such coercive situations as their like one should use words that give a misleading impression (4.10.2).

@19.1.2 When a husband whose mental faculties are lacking on account of something inexcusable, such as intoxication, needless taking mind altering drugs, pronounces the statement of divorce, the divorce is legally effective.

However, when a husband takes a drug on account of medical treatment it is considered insanity and the divorce is not legally effective.

@19.1.3 The person conducting the divorce may effect it himself or commission another (16.17.5-6) to do so, even if the person commissioned is a woman.

The person commissioned may effect the divorce at any time (provided the one who commissions him does not cancel the commission before the divorce takes place (disk: 16.17.16)).

If a husband tells his wife, "Divorce yourself," and immediately thereafter she says, "I divorce myself," she is divorced, but if she delays, she is not divorced unless the husband has said, "Divorce yourself whenever you wish."

@*Chapter 19.2.0: GENERAL PROVISIONS CONCERNING DIVORCE

@19.2.1 A free man has three pronouncements of divorce. This is because of the Word of Allah, the Most High who says,
"Divorce is twice, then an honorable keeping or allowed to go with kindness."
(Koran 2.229),

When the Prophet - may Allah venerate him and give him peace - was asked about the third time, he said,
"It is the saying of Allah 'or allowed to go with kindness.'"

@19.2.2 It is offensive to make a pronouncement of divorce when there is no need to make three pronouncements, even if made separately, during one interval of purity between menstruation.

@19.2.3 There are various categories of divorce:

1. Prophetic practice,
2. unlawful innovation,
3. and that which is neither Prophetic practice nor an unlawful innovation.

The Prophetic practice is to make a pronouncement of divorce in an interval between menstruations in which no sexual intercourse with the wife has taken place.

Unlawful innovation consists of either making a pronouncement of divorce during the woman's menstrual period or making the pronouncement during an interval between menstruations in which they had sexual intercourse. If one effects such a divorce, it is recommended to take the wife back if the divorce has not been pronounced three times.

However, if it is the wife who initiates her release from the marriage with an exchange of payment during her menstrual period, it is not an unlawful innovation because it implies that she accepts that the waiting period is thus prolonged (dis: n9.7).

“Neither Prophetic practice nor unlawful innovation” means the divorce of a wife who is prepubescent, postmenopausal, pregnant, or one with whom one has not yet had sexual intercourse.

@*Chapter 19.3.0: THE WORDS THAT EFFECT A DIVORCE

@19.3.1 The words that effect a divorce may be clear or allusive.

Clear words effect the divorce whether one intends divorce by them or not.

Allusive words do not effect it unless one intends divorce by them.

@19.3.2 Using clear words to effect a divorce means, expressly pronouncing the word “divorce”, or words derived from it. When the husband says “I divorce you,” or “You are divorced,” the wife is divorced whether or not he has made the intention.

Here and in the rulings below, expressions such as “The wife is divorced,” or “The divorce is effected,” mean just one of the three times (19.9.0 necessary to finalize it, unless the husband thereby intends a two or three-fold divorce (dis: 19.3.5) or repeats the phrase three times.

@19.3.3 Using allusive words to effect a divorce include:

1. the husband's saying, "You are now alone," "You are free," "You are separated," "You are parted," "You are no longer lawful to me," "Rejoin your kin," "You are footloose," and such like;
2. his saying, "I am divorced from you";
3. or when he commissions the wife to pronounce the divorce, and she says, "You are divorced";
4. when someone asks, "Do you have a wife?" and he says "No".
5. or when the husband writes words that effect the divorce, no matter whether able or unable to speak at the time of writing, or whether he is present or absent, or whether he writes in clear or allusive words.

When one intends divorce by any of the above, the words effect it, but if one does not, they do not.

@19.3.4 When a husband is asked, "Have you divorced your wife?" and he says "Yes," then she is divorced even if he did not intend divorce.

@19.3.5 If the husband says, "You are divorced," and thereby intends a two or three-fold pronouncement, then whatever number he intends is effected, this rule holds for all words that effect divorce, whether they are clear or allusive words.

The proof that a single pronouncement can validly effect a three-fold divorce is the Prophetic quotation (Ahadith) classified as rigorously authenticated (sahih) reported by Ibn Hibban that the Prophet - may Allah venerate him and give him peace. "Rukana divorced his wife and then said, "I did not intend it except as one time," the Prophet - may Allah venerate him and give him peace - made him swear an oath to that effect, and then returned her to him."

If a single pronouncement could not effect a three-fold divorce, there would not have been any point in the Prophet – may Allah venerate him and give him peace - making him swear the oath.

@19.3.7 If a husband tells his wife, "You are divorced insha'Allah (if Allah wills)," or "if Allah does not will," or "unless Allah wills," then the divorce is not effected.

@*Chapter 19.4.0: CONDITIONAL EXPRESSIONS THAT EFFECT DIVORCE

@19.4.1 It is permissible to make the effectiveness of a divorce conditional. If the husband makes the divorce conditional on something, and the event occurs, then the wife is divorced. If he says, "If your monthly period begins, you are divorced," then she is divorced when her menstrual flow appears.

@19.4.3 If the husband says, "If you leave the house without my permission, you are divorced," then gives her permission to go out, and she does, but then goes out a second time without permission, she is not divorced.

If he says, "Anytime you go out without my permission you are divorced," if she leaves at anytime without permission, she is divorced.

@19.4.5 When a husband makes a divorce conditional on one of his own acts but then does the act not remembering that he made it a condition, or does the act because he is forced, the wife is not divorced.

@19.4.6 When the husband makes a divorce conditional on another person's act, such as by saying. "If so-and-so enters the house, you are divorced," and the named person enters – not caring if the divorce happens or not - she becomes divorced - whether he entered before or after he knows that he was named as a condition, and whether he entered consciously or forgetting, unless the named person named is someone who would care if the divorce will occur, and he enters forgetting, then she is not divorced.

If a husband, tells his wife, "If you enter that house, you are divorced," and she enters it, then she is divorced. However, if he remarries her and she then enters the house she is not divorced.

@*Chapter 19.5.0: A WIFE'S RELEASE IN RETURN FOR A PAYMENT (khul')
19.5.0

@ "A release for a payment" means a separation in return for remuneration given to the husband, which constitutes a finalized cancellation of the marriage agreement. It differs from a three-fold divorce by the fact that they may remarry without her marrying another husband first (dis: 19.7.7)

@19.5.1 A release for payment is valid from any person whose divorce is valid (19.1.1).

@19.5.2 Release is offensive except when:

1. the husband or wife fear they will not be able to keep within limits of Allah. For example that which Allah, the Most High has made obligatory upon them (dis: 17.10.1) while the marriage lasts;
2. or, when the husband swears that a three-fold divorce is incumbent upon him if he performs a certain action, and thereafter finds it is necessary to do that action and since he is unable to clear himself from the oath without giving her a release. To fulfill his oath he releases his wife, and then remarries her with a new agreement, a new marriage dowry (mahr) in the presence of upright witnesses, and then carries out the act on which the divorce was conditional. It is, however, better to do the act before remarrying, as the oath become void upon their divorce and no longer necessitates a three-fold divorce.

@19.5.3 If the husband is irresponsible, meaning suspended by the court from dealing with his own money because of chronic carelessness (dis: 16.13.1), his granting of a release is valid, though his guardian accepts the compensation.

A release for compensation is not legally valid from a wife who is irresponsible.

@19.5.4 A release is validly effected by both the words for divorce and the words for release. For example, "You are divorced for a thousand dollars" or "I release you for a thousand dollars." If the wife says, "I accept," then she is separated from him and owes him the thousand dollars.

She is also released when the husband says, "If you give me a such money i.e. a thousand dollars, you are divorced," and she gives him it, or when she says, "Divorce me for such money i. e. five hundred dollars," and he says, "You are divorced," she is released and owes him the five hundred dollars.

@19.5.5 Anything that may be used as a marriage payment (17.8.4) may be used as recompense for a release. If a husband releases his wife for something not determinably known (no19.16.2.1(e)) or without lawful value (no19.16.2.3) such as wine, then she is released in exchange for the amount typically received as marriage payment by women like herself (17.8.8).

@19.5.6 A release enacted by words that effect it is a divorce in clear words and in being a finalized cancellation of the marriage, although as previously mentioned (19.5.0 , the two may remarry each other even before the end of the waiting period without the wife first having to marry another.

@*Chapter 19.6.0: DOUBTS ABOUT WHETHER OR NOT ONE HAS DIVORCED

@ "Doubt" means that one does not remember exactly what one said or did. As for when one is ignorant of the rulings about divorce or the consequences of one's actions, it is not an excuse, and one must ask those who know.

@19.6.1 Whosoever does not know whether he has divorced his wife or not, has not divorced her. It is more cautious in such a case to take the wife back.

@19.6.2 If a husband does not know whether he has divorced his wife once or more than once, then he has divorced her the least number of times of which he can be certain.

@19.6.3 When a husband divorces his wife with a three-fold divorce during his deathbed illness (23.3.6(1-4), she does not inherit a wife's share of the division of his estate (23.6.4). However if the divorce is less than a three-fold divorce, she inherits.

@*Chapter 19.7.0: TAKING BACK A DIVORCED WIFE (Raj`a) 19.7.0

@ Lexically, “to take back” means “returning”, and in Sacred Law it means “the return of a woman who is in her waiting period” (19.9) from an unfinalized, non-three-fold divorce to the state of marriage.

@19.7.1 When a free man pronounces divorce upon his wife once or twice after previously having had sexual intercourse with her, then, if the divorce is not a release for compensation (def:19.5), he may take her back at any time before the end of her waiting period (19.9), whether or not she wishes to return. Or, he may finalize the divorce during this period by pronouncing it a third time.

@19.7.2 It is not permissible for the husband to have sexual intercourse with, look at, or physically enjoy the wife before he takes her back. However, if the husband or wife dies during the waiting period of an unfinalized, non three-fold divorce, then the spouse inherits his or her obligatory share from the deceased's division of the estate (dis: 23.6).

@19.7.3 When a divorce occurs before or after the husband has made love to the wife, (A: in a release) for compensation from her, then he may not take her back (A: without remarrying her).

@19.7.4 Returning the wife to the state of marriage is only valid by explicitly stating the reinstatement, such as by saying, “I return her,” “I take her back,” or, “I retain her.”

The Hanafi school of jurisprudence consider the husband's touching her with desire, such as kissing her, to be a valid return to marriage.

@19.7.5 It is not a necessary condition, rather it is Prophetic practice, to have the return attested to by witnesses.

@19.7.6 When a husband takes a wife back, she returns to him with whatever number of times of the pronouncement of the divorce. For example, if she has been divorced twice from her husband one divorce remains to complete a three-fold divorce.

@19.7.7 When a free man has pronounced a three-fold divorce, the divorced wife is unlawful for him until she has validly married another man and the new husband has had sexual intercourse with her (dis: 10.29). The minimum of sexual intercourse is that the head of his erect penis fully enters her vagina.

@*Chapter 19.8.0: FORSWEARING ONE’S WIFE FOR MORE THAN FOUR MONTHS

@ In the Sacred Law, “forswearing” means that the husband swears he will not have sexual intercourse with his wife, either for an unrestricted period or for more than four months.

@19.8.1 Forswearing one's wife is unlawful. It consists of the husband swearing an oath by Allah (9.18) that for four months that he will not have sexual intercourse with his wife, or swears that if he does, it becomes obligatory upon him to divorce her, fast, pray, or something else. More than four months includes oaths in which no time period is stipulated.

@19.8.3 A husband is not considered to have forsworn his wife when he forswears sexual intercourse for four months or less, or when he is impotent.

@*Chapter 19.9.0: A WOMAN'S POST-MARITAL WAITING PERIOD (`Idda)
@ Meaning, the period in which a woman waits to verify that she is not pregnant, or out of mourning for her deceased husband before she may remarry.

If the waiting period finishes after a once-or twice-pronounced divorce has been made, the wife is free to marry another man or to remarry the husband with a new contract. If she returns to him, then she returns with the same number of times that she has been previously divorced. For example, if she has been divorced twice then her husband divorces her again, this counts as the third of the three-fold divorce.

If, during the waiting period of a less than a three-fold divorced has been pronounced then the husband may take her back (n7) without a new contract.

It is the husband's obligation to support her during the waiting period and is discussed in 17.11.10.

@19.9.1 There is no waiting period for a woman divorced before having had sexual intercourse with her husband.

@19.9.2 A waiting period is obligatory for a divorced wife after having had intercourse regardless whether the husband and wife are prepubescent, have reached puberty, or one spouse has and the other has not.

Sexual intercourse means copulation (19.7.7). If the husband was alone with his wife but did not copulate with her, and then divorced her, there is no waiting period.

@19.9.3 When a waiting period is obligatory, if she is pregnant, the waiting period ends when she gives birth, provided two conditions are met:
(a) the first is that she has given birth to all she was carrying. If she is carrying two or more babies, it is necessary that she gives birth to both no matter whether live or stillborn, whether fully developed or an undeveloped fetus which two or more midwives swear is the beginning of a human form.

Whenever there is less than six months between two births, the babies are considered twins. There is no maximal number that may be born, as it is possible for a woman to give birth to four or more babies from one pregnancy.

(b) The second condition is that the child is from the husband from connected to the waiting period. If the woman is pregnant through committing adultery (19.11.2(O:)) or from a marriage which was invalid and consequently the husband divorced her, the waiting period does not end when she gives birth, but rather after giving birth when she is to complete the waiting period of a woman who has been divorced (19.9.6).

@19.9.5 The minimal duration of a pregnancy from which a live child is born is six months, while the maximum is four years.

@19.9.6 If a woman is not pregnant and has menstrual periods, her waiting period ends when three intervals between menstruations have finished. A part of an interval between menstruations is considered the same as a whole interval. Therefore, if the woman's husband divorced her and her menses began an instant later, her waiting period would end after two more intervals between menstruations had finished and a third menstruation begun.

@19.9.7 If a woman is divorced during her menstrual period, she must wait until the end of three intervals between menstruations. When her fourth menstruation begins, her waiting period is over.

@19.9.8 There is no difference in respect to the above rulings (19.9.6-7) whether or not a woman's menstrual periods are close together or far apart.

“Close together” means a woman whose period lasts a single day and night, and who has fifteen days between periods. If a woman were to be divorced just before the end of an interval between menses by a single moment, then her waiting period would finish in thirty-two days and two moments.

(one of which would be part of the waiting period, in which the divorce occurred, and the second of which would not be part of it but it is the one which followed as subsequent menstruation).

If such a woman were divorced at the end of a menstrual period, her waiting period would be forty-seven days plus a moment. These are the shortest possible waiting periods.

An example of a woman whose periods are far apart is one whose menstruation lasts fifteen days, and whose intervals between menses last, for example, a year or more. Such a woman must wait for three intervals between menstruations, even if it takes years, though medications may be taken to induce or regulate menstruations.

@19.9.9 The waiting period for a woman who does not menstruate, whether prepubescent or postmenopausal, is three months.

If a woman normally menstruates, but her periods have stopped for some reason such as breast feeding or the like, or without apparent reason, then she must wait until the age of menopause, after which her waiting period is three months.

According to the Maliki school of jurisprudence, such women must wait nine months, and if neither pregnancy nor menses appear, she is considered to be as if menopausal, and her waiting period is three more months, making a total of one entire year in which there is no menstrual flow.

@19.9.10 All of the above rulings apply to the waiting period for divorce, or release (19.5).

@19.9.11 THE WAITING PERIOD AFTER THE DEATH OF A HUSBAND

If a woman's husband dies, even if during the waiting period of a non-finalized divorce, and if she is pregnant, her waiting period ends when she gives birth, as previously mentioned (19.9.3).

If she is not pregnant from him then the deceased's wife waiting period is four months and ten days, no matter whether she normally menstruates or not, and no matter whether the husband has had sexual intercourse with her or not.

@19.9.13 The lodgings of a woman during her waiting period

During the waiting period, there is an obligation upon a woman to remain in the home and neither the husband, nor his family may force her to leave; nor yet may she leave. Even if the husband agrees that she might leave when there is no necessity, it is still not permissible.

A woman in the waiting period of an unfinalized, less than three-fold divorce is under the husband's authority and may not leave without his permission. If in the waiting period of a finalized divorce, or release (19.5), or annulment, or after her husband's death, a woman may leave home during the day to fulfill her needs, including going to work if she has no means of support, and to attend to obligations.

@19.9.14 The waiting period must take place in the same lodgings where the divorce took place. The woman may not be moved to other quarters unless there is a real necessity, such as fear for her person or property, the objection of a landlord, or if the home in question was on loan to the husband and its time has expired, or because of considerable annoyance to the woman from neighbors, or the husband's relatives, or annoyance to them from her. In such events she may move to the nearest available housing.

@19.9.15 It is unlawful for the husband of a woman in her waiting period to be alone with her or share the same housing, he must move out, unless she is in a separate self-contained part of the house with its own kitchen, restroom and water supply. When such circumstances exist then it is permissible to share the housing.

@19.9.16 Avoiding adornment after a husband's death or a finalized divorce
It is obligatory for a woman whose husband had died while she was his wife, or died while she was in the waiting period of an unfinalized divorce from him to avoid adornment during the subsequent waiting period. However, it is recommended for a woman to do so during the waiting period of a finalized divorce.

It is unlawful for a woman to avoid adornment longer than three days for the death of anyone besides her husband. "Avoiding adornment" means not to enhance her beauty, wear jewelry or cosmetics, and so forth.

A woman who is avoiding adornment should not wear solid colors if intended to beautify, such as blues, greens, reds, or yellows; or style her hair or use cosmetics for body, or food such as saffron in rice. She may wear silk, wash and comb her hair, or bathe for cleanliness, or trim her nails during this period.

@19.9.17 The end of the waiting period
If the husband of a woman in her waiting period takes her back but divorces her again before having had sexual intercourse with her, then a new waiting period starts over from the beginning. It is unlawful for the husband to do this just to prolong her waiting period.

If a husband releases his wife for payment (19.5), remarries her during the release waiting period, but divorces her before having had sexual intercourse, then she must only finish the remainder of the release waiting period.

@19.9.18 When a woman claims that her waiting period has expired - if it does not comprise a particular number of months, but rather consists of a number of intervals between menstruations, or of giving birth - within an amount of time in which it could have possibly ended, then her word is accepted (dis: 16.8.2).

@19.9.19 If news of a husband's death reaches a woman after his death by four months and ten days, her waiting period is already over since her knowledge of his death is not a condition for the waiting period.

@*Chapter 19.10.0: ESTABLISHING PATERNITY

@19.10.2

Regardless whether or not a marriage is valid or invalid, the husband of a woman who bears a child is considered to be the child's father whenever it is legally possible that the child could be his, meaning that:

- (a) the woman gave birth to the child six months plus a moment after the marriage agreement;
- (b) she gave birth to it less than four years from when she and her husband could last have possibly met and had sexual intercourse, even if they were living a distance away from one another, and even if the husband does not know whether he had sexual intercourse with her.
- (c) DNA testing will be accommodated, is Islamic court of justice as long as from a credible lab.

These conditions are for the child's protection against being disowned and only concern what can be established in court. Hence, if the husband and wife were living apart at a distance but could possibly have traveled and met one another, then, for the child's sake the court presumes the child to be the husband's.

(c) and the husband is at least nine and a half years old.

@19.10.3 The husband is not legally considered the child's father when the child could not possibly be his, such as when:

1. the wife gave birth to the child in less than six months or more than four years since intercourse;
2. the husband is absolutely certain he did not have sexual intercourse with her;
3. the husband is under the above-mentioned age;
4. or the husband's genitals have been castrated.
5. In case of premature babies, and modern infant incubator and DNA will help in identifying the genes.

@19.10.4 Whenever a husband is absolutely certain that a child which is legally considered his (19.10.2) is not his, through the knowledge that he never had intercourse with the wife at all, or did, but less than six months before the birth of the child, or more than four years before the birth, then it is obligatory for him to publicly deny paternity (li'an, def: 19.11.3). This is done by going to the Islamic judge and saying, "This child is not mine." If he delays, his denial is no longer valid.

As for the public cursing itself, he may perform it at any time thereafter. If he claims that he was ignorant of the necessity of denying paternity, or the obligatory character of its immediacy, and he is someone who might well be ignorant of it, then his claim of ignorance is accepted when he swears an oath to that effect.

Denial of paternity likewise entails charging the wife with adultery, and this too is obligatory immediately.

@19.10.5 If a husband is not absolutely sure that the child is from someone else, it is unlawful for him to deny paternity because it is just a doubt that has risen in

his mind and is of no consequence, and therefore unlawful to charge his wife with adultery.

It is also unlawful for him to publicly curse (19.11.3) her in such a case, even when he knows she has committed adultery. This is because the child would suffer harm through his mother being charged with adultery and its being established against her by the cursing of her in public which in turn results in the child being disgraced by this and the gossip circulated about him. The child should not endure this harm just to satisfy the husband's revenge who may separate from her by divorce.

@19.10.6 A judge will not allow a husband whose child is considered legally his, but is entitled to deny paternity, and has delayed the denial without excuse but now wants to deny it by public imprecation, to do so. This is because the denial of paternity must take place immediately as mentioned in (19.10.4).

But if the husband intends to deny paternity immediately, the judge implements his intention.

@*Chapter 19.11.0: CHARGING ONE'S WIFE WITH ADULTERY

@19.11.1 Anyone who charges his wife with adultery with words such as “you adulteress”, or allusively “I did not find you a virgin”, and who is thereby liable to be punished for accusing another of adultery without witnesses (dis: 9.13.1), may prevent the punishment by public cursing against her (li`an, def: 19.11.2), provided he:

- (a) has reached puberty;
- (b) is sane;
- (c) does so voluntarily;
- (d) and provided his wife is legally innocent of adultery, meaning there is neither a confession from her, nor four eyewitnesses (dis: 19.11.2(O:));
- (e) and that she is capable of having sexual intercourse.

@19.11.2 A husband who accuses his wife of adultery is disciplined (ta`zir, def:9.17) by the magistrate and not allowed to curse her when her adultery is already legally established no matter whether it is by her own admission, or by proof. Proof means that four upright witnesses (9.24.4) saw her when she was copulating and saw the adulterer's penis penetrate her vagina, or when the person accused is an very young and adultery is impossible.

@19.11.3 Public Cursing (Li`an)

Public cursing consists of the Islamic magistrate, or his equivalent, telling the husband to repeat four times, “I testify by Allah that I am truthful in charging her with adultery.”

It is necessary to identify her by her first and family name, though if she is present he says, “This wife of mine,” and points to her. If there is a child he

should say, "and that this child is not mine", or in the absence of the child "the child she gave birth to from adultery is not mine"

Before the fifth time, the magistrate warns the husband to fear Allah, with the reminder that the punishment of the Everlasting life is worse than the punishment of this life. Then the magistrate places his hand in front of the husband's mouth and the husband adds, "And may the curse of Allah be upon me if I am lying."

@19.11.4 When the husband has done this, he is no longer liable to be punished for accusing another of adultery without witnesses. He has denied paternity of the child, and his wife is divorced from him and it is unlawful for him to either marry her, be alone with her, or look at her forever. She is now liable to be punished for adultery.

@19.11.5 The wife in such a case may avoid being punished for adultery by public cursing from the husband. To avoid punishment the magistrate orders her to say four times, "I testify by Allah that he is lying about that which he has charged me with." The fifth time, after being warned by the magistrate of the severity of the consequences, as described above, she says, "And may the anger of Allah be upon me if he is telling the truth." When she has done this, she is no longer liable to be punished for adultery.

@19.11.6 Public cursing is legally valid in a non-Arabic language even when the speaker knows Arabic, because the cursing is a kind of oath or attestation, either of which may be given in any language.

@*Chapter 19.12.10: BECOMING UMARRIAGEABLE KIN BY SUCKLING (Rida`)

@19.12.1 An infant becomes the "child" of the wet nurse also known as suckling mother, who breast-feeds him, therefore he is unable to marry her and it is permissible for him to look at her or be alone with her, and his ablution is not invalid by touching her. This is valid when,

- (a) the milk comes from a female at least nine years old, whether it is occasioned by sexual intercourse or something else;
- (b) and she breast-feeds a child who is less than two full years old;
- (c) in at least five separate breast-feedings (a restriction that excludes anything less than five, which is of no consequence. Separate breast-feedings means whatever is commonly acknowledged (14.4.5) to be separate).

@19.12.2 In such a case:

1. it is unlawful for the wet nurse to marry the child and its subsequent descendants by familial relation or by suckling exclusively. "Exclusively" meaning that only the child's descendants become unlawful for her to marry, not the child's ancestors (or brothers) ;
2. the wet nurse becomes the child's "mother," and it is unlawful for the child to marry her, her ancestors by familial relation or by suckling, her descendants who

become on account of shared suckling as if they were the child's brothers and sisters, or her brothers and sisters although the child is not forbidden to marry the children of the latter.

@19.12.3 If the wet nurse's milk was occasioned by a pregnancy from her husband, then:

1. the child she nurses becomes the husband's "child," and the husband may not marry the child or its descendants either by familial relation or by suckling, since they are now as if his grandchildren;
2. and the husband becomes the child's "father," and it is unlawful for the child to marry him, his ancestors, his descendants, or his brothers and sisters.

@19.12.4 Upon becoming unmarriageable kin through suckling, marriage between the above-mentioned persons is prohibited, and it is permissible for the respective members of the opposite sex to look at each other as they do with their familial unmarriageable relatives (dis: 17.2.5), and to be alone with them. However, other kinds of rulings applicable to natural relatives, such as inheritance (23.4-6) or having to support them (17.12) are not applicable to unmarriageable kin by suckling.

@*BOOK 20: PURIFICATION AND WILE LIFE

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@*Chapter 20.1.0: Water

@20.1.1 Legal Categories of Water

Water is of various types:

1. purifying;
2. pure;
3. and impure.

@20.1.2 Purifying

Purifying means it is pure in itself and it purifies other things.

Purification (tahara) in Sacred Law is the removal of a state of ritual impurity (hadath, def:20.7), removing filth (najasa, 20.14), or matters similar to these, such as purifying baths (ghusl) that are Prophetic practice, or renewing ablution (wudu) when there has been no intervening ritual impurity.

@20.1.3 Pure

Pure means it is pure in itself but cannot purify other things, such as water that has already been used to lift a state of ritual impurity.

@20.1.4 Impure

Impure means it is neither purifying nor pure.

Namely:

1. less than 216 liters of water (qullatayn) which is contaminated by filth (najasa), even when none of the water's characteristics (i.e. taste, color, or odor) have changed.
2. or 216 liters or more of water when one of its characteristics of taste, color, or odor have changed through the effect of the filth. As for the purity of water that has been used to wash away filth, it is discussed below at 20.14.14.

@20.1.5 Only Plain Water is Purifying

It is neither permissible nor or valid to lift a state of ritual impurity or remove filth except with plain water. This means unused water (def:(2) below), or something other than water like vinegar or milk, meaning purifying water as it comes from nature, no matter what quality it may have of taste such as being fresh or saline; of color, such as being white, black, or red; or of odor, such as having a pleasant smell.

@20.1.7 Used or Changed Water is Not purifying

It is not permissible to purify (20.1.2) with:

1. water that has changed so much that it is no longer termed water through admixture with something pure like flour or saffron which could have been avoided;
2. less than 216 liters of water that has already been used for the obligation (dis:8.2.1 , end) of lifting a state of ritual impurity, even if only that of a child;
3. or less than 216 liters of water that has been used to remove filth, even if this resulted in no change in the water.

@20.1.8 Slight Change Does Not Affect Water

It is permissible to purify with water:

1. (non-(1) above) that has been only slightly changed by saffron or the like;
2. that has been changed by proximity with something such as aloes or oil that are fragrant;
3. that has been changed by something impossible to prevent, such as algae, fallen leaves, dust, or the effects of standing too long;
4. that has already been used for a nonobligatory use such as the Prophetic practices of rinsing out the mouth, renewing ablution when there has been no intervening state of ritual impurity, or a Prophetic practice purifying bath;
5. or water that has already been used to lift a state of ritual impurity and has now been added together until it amounts to 216 liters or more.

@20.1.9 Water is Affected by User's Contact

With less than 216 liters, if a person performing ablution (after washing his face once) or the purifying bath (after making intention for it) makes the intention in his heart to use his hands to scoop up the water, then the introduction of his hands into this amount of water does not make the water used.

If this is not the case, if he does not make this intention at all, or does so after putting his hands in the water, which is less than 216 liters, then the rest of the water is considered as already used and no longer purifying. However, in the Maliki school (dis: 8.6.4 (end), it is valid, though offensive, to lift a state of ritual impurity with water that has already been used for that purpose (al-Sharh al-saghir'ala Aqrab al-Malik ila maThhab al-Imam Malik (y-35), 1.37)).

@20.1.10: 216 or More Liters of Water (two water jugs called qullatayn)

As for 216 liters or more of water, even if two persons in a state of major ritual impurity (janaba, def; 20.10) are immersed in it, whether simultaneously (like a man and wife) or more than two one after the other, their impurity is lifted and the water does not thereby become used but remains purifying.

@20.1.11 216 Liters Remains Purifying Even After Use

“Qullatayn” (lit. "two great jars") roughly equal five hundred Baghdad ritls, and their volume is one and a quarter Thira in height, width, and length.

(The definition of qullatayn (two water jugs as being 216 liters is based on estimating the Thira' at forty-eight centimeters. Metric equivalents of Islamic weights and measures are given at w-15.)

@20.1.12 216 Liters Becomes Impure by Change from Impurities

216 liters of water does not become impure by contact with filth, but only becomes impure by changing in taste, color, or smell because of it, even when the change is only slight.

@20.1.13 216 Liters Becomes Pure If the Change Disappears

If such change in 216 liters or more of water disappears by itself, such as through standing at length, or by water added to it, even if the additional water is used or impure, then the water is again purifying.

@20.1.14 But the 216 liters of water does not become purifying if the change disappears by putting

such things as musk in it, or ambergris, or camphor, which mask the scent; or putting saffron and the like in it which mask the color, or vinegar which masks the taste, or earth.

@20.1.15 Contact with Filth Makes Under 216 liters Impure

Less than 216 liters becomes impure by contact with filth, whether the water changes or not, unless filth falls into it whose amount before it falls in is so small that it

is indiscernible by eyesight - here, and for all rulings, eyesight means average look, not a negligent glance nor yet a minute inspection - or if something dead falls into it of creatures without flowing blood, such as flies and the like, in both of which cases it remains purifying. This is equally true of running or still water.

@20.1.16 Reaching 216 Liters Purifies Less Than 216 Liters

When less than 216 liters of impure water is added to even if with impure water until it amounts to 216 liters or more and no change (below) remains in it, then it is/has become purifying.

@20.1.17 Meaning of Change in Water

Change, resulting from something pure or impure, means in color, taste, or smell.

But the least change caused by filth makes water impure, while change caused by something pure does not hurt as long as it can still be termed water. For example, when sugar and tea leaves have been added to water and it is called tea, it has become pure but not purifying. As for a slight discoloration by tea leaves, or a slight sweetness from sugar, this does not negate water's being purifying.

@*Chapter 20.2.0: Containers and Utensils

@20.2.1 Unlawfulness of Gold or Silver Vessels and Utensils

Purification is permissible with water from any pure container, except those of gold or silver, or those to which enough gold or silver has been applied that any of it could be collected from the vessel by heating it with fire. This means that if the vessel were exposed to fire, the metallic coat would melt and separate from the container, even if not drop by drop. Such containers or utensils are unlawful for men or women to use in purification, eating, drinking, or other use of any type whatsoever.

It is also unlawful to acquire such a container or utensil even if one does not use it. Even a small eye-liner stick of silver is unlawful.

@20.2.2 Vessels soldered or decorated with gold or silver

Vessels soldered with gold are absolutely unlawful.

It is unlawful to use a vessel to which much (def:14.5) silver solder has been applied by way of decoration; permissible to use a vessel to which only a little silver solder has been applied by way of a needed repair; and offensive but not unlawful to use a vessel to which only a little silver has been applied for decoration, or much out of necessity.

Solder means that a part of the vessel has been broken and then silver is put there to hold it together.

@20.2.3 It is offensive to use the vessels of non-Muslims before washing them to be certain of the purity of the vessels used, since non-Muslims are not as concerned about purity as Muslims, or to wear their clothes for the same reason.

@20.2.4 It is permissible to use a vessel made of any precious gem, such as a ruby or emerald.

@*Chapter 20.3.0: Using a Toothstick (Siwak)

@ In the Sacred Law it refers to the use of a twig or its like on the teeth and around them to remove an unpleasant change in the breath or similar, together with the intention of performing the prophetic way.

@20.3.1 Times of Use

Using a toothstick is recommended at any time, except in the afternoon when fasting when it is considered offensive. Using toothpaste is also offensive during this time, and if any reaches the stomach of someone fasting, it is unlawful as the fast is obligatory and this breaks a fast.

@20.3.2 It is especially desirable to use the toothstick for every prayer, for recitation of the Koran, Prophetic quotations (Ahadith), or a lesson, for ablution, to prevent yellowness of teeth, upon waking up, entering one's house, or the occurrence of bad breath after having eating something with a bad odor, or from not eating.

@20.3.3 Acceptable Types

Anything coarse is adequate except rough fingers, though the best is a dried-out twig from the Arak shrub that is dried and then moistened.

@20.3.4 Directions for Use

It is best to clean the teeth laterally, beginning on the right and paying particular attention to the bases of the back teeth, and to intend thereby the practice of the prophetic way.

@*Chapter 20.4.0: The Body

@20.4.1 Prophetic practices of the Body

It is Prophetic practice:

1. to trim the fingernails and toenails;

2. to clip one's moustache when it grows long. The most one should clip is enough to show the pink of the upper lip. Plucking it out or shaving it off is offensive. Shaving one's beard is unlawful according to all Imams except Shafi'i, who wrote two opinions, one that it is offensive, and the other that it is unlawful. A

weak chain of narrators ascribes an opinion of offensiveness to Imam Malik. It is disbelief (kufr) to turn from the prophetic way in order to imitate non-Muslims when one believes their way to be superior to the prophetic ways;
3, for those used to it, to pluck away the hair of the underarms and nostrils, though if plucking the underarms is a hardship, then shaving them; and to shave the public hair;
and to line the eyes with kohl. Each eye should be lined an odd number of times, preferably three. Before using kohl one should check to see if it contains lead.

@20.4.2 Cutting the Hair

It is offensive to shave part of the head and leave part unshaven though just cutting some of the hair shorter than another part is not objectionable. There is no harm in shaving all the hair off but it is not recommended except for the rites of the greater pilgrimage and lesser pilgrimage, hajj and umra.

@20.4.3 Circumcision is Obligatory

Circumcision is obligatory for both men and women. For men it consists of removing the prepuce from the penis, and for women, removing the prepuce (bazz) of the clitoris but not the clitoris itself, as some mistakenly assert.

Hanbalis hold that circumcision of women is not obligatory but Prophetic practice, while Hanafis consider it a courtesy to the husband.

@20.4.4 Dyeing Hair, etc.

It is unlawful for men or women to dye their hair black, except when the intention is jihad
as a show of youthfulness and vigor to unbelievers.

Plucking out gray hair is offensive. It is the prophetic way to dye the hair with yellow or red coloring.

It is unlawful for a woman to cut her hair when in mourning etc., to disfigure herself, however, if it is cut for the sake of beauty it is permissible.

It is Prophetic practice for a married woman to dye her hands and feet with henna, but it is unlawful for men to do so unless it is needed, for example as protection from sunburn.

@*Chapter 20.5.0: Ablution (Wudu)

@ Meaning to wash certain parts of the body with water, with the intention of worship.

The legal basis for ablution, prior to scholarly consensus, is the Word of Allah, the Most High. "Believers, when you rise to pray wash your faces and your hands as far as the elbow, and wipe your heads and (wash) your feet to the ankle."
(Koran 5.6) and the Prophetic quotation (Ahadith) related by Muslim.

"A prayer is not accepted without purification."

@20.5.1 The Six Obligatory Integrals of Ablution

Ablution has six obligatory integrals:

- (a) to have the intention when one starts washing the face;
 - (b) to wash the face (including mouth and nose);
 - (c) to wash the arms up to and including the elbows;
 - (d) to wipe a little of the head with wet hands;
 - (e) to wash the feet up to and including the anklebones;
 - (f) and to do these things in the order mentioned.
- The prophetic way of ablution are all its actions besides the above.

The obligatory minimum is to perform (b), (c), (d), and (e) once, though the Prophetic practice is to perform them each three times.

@20.5.2 The Intention

The person performing ablution intends:

1. to lift a state of lesser ritual impurity (hadath), since the purpose of ablution is to eliminate that which prevents prayer and the like;
2. to purify oneself for the prayer;
3. to purify for something not permissible without purification, such as touching a Koran.

The simple intention to perform the obligation of ablution suffices in place of all the above.

@20.5.3 Intention of those incapable of normal abultion

The above intentions are not used by three types of people when performing ablution:

1. a woman with chronic vaginal discharge (def:20.13.6);
 2. a person unable to hold back intermittent drops of urine coming from him, or with some similar state of chronic annulment of ablution (20.13.7);
 3. or a person intending to perform dry ablution (tayammum,def:20.12).
- Such people should intend the permission to perform the obligation of the prayer as they begin their ablution.

The intention to lift a state of minor ritual impurity is inadequate for these people because their state of impurity is not lifted.

In other words, the Sacred Law gives them a dispensation to perform the prayer and so forth without lifting it.

@20.5.4 Conditions for the Intention of Ablution

The necessary condition of ablution is that the intention exists in the heart and that it accompany one's washing the first part of the face.

It is recommended to pronounce the intention aloud, and that it be present in the heart from the first of ablution during the preliminary Prophetic practices before washing the face, so as to earn their reward.

It is obligatory that this intention persist in the heart until one washes the first part of the face as that is the first integral.

If one confines oneself to making the intention when washing the face, it suffices, but one is not rewarded for the previous Prophetic practices of rinsing the mouth and nostrils and washing the hands. That is that one intended cleanliness or something else by them, and the intention of worship did not come to one's mind.

@20.5.5 How to perform Ablution: starting with the Name of Allah (The Basmala and Pre-Ablution Supplications). It is recommended to begin ablution by mentioning (in Arabic, like the other remembrance in this volume (def:wl)) the Name of Allah, the Most High.

Saying "In the Name of Allah," is the minimum. The optimum is to say, "In the Name of Allah, the Merciful, the Most Merciful". Before this, it is the prophetic way to say, "I take refuge in Allah from the accursed satan," and to add after the Basmala: "Praise be to Allah for Islam and its blessings. Praise be to Allah who made water purifying and Islam a light. My Lord, I take refuge in You from the whispering of satans and take refuge in You lest they come to me." It is Prophetic practice to say all the above to oneself.

If one intentionally or absentmindedly omits saying the Name of Allah at the beginning of ablution, then one should pronounce it during it by saying, "In the Name of Allah, in its beginning and its end").

@20.5.6 Washing the Hands

It is recommended to wash the hands three times.

By saying "three times," the author indicates the Prophetic practice character of performing such acts thrice, and that it is an independent Prophetic practice rewarded apart from the Prophetic practices it is conjoined with. If one has doubts as to whether or not one's hands are free of filth, it is offensive to dip them into less than 216 liters of water without first washing them three times.

@20.5.7 Cleaning the teeth, rinsing out nose and mouth

One next uses the toothstick (def:20.3). Following this one takes a scoop of water and rinses the mouth, this procedure is done three times. Next, one takes a scoop of water and inhales some of the water into the nostrils then expels it, this procedure is done three times. Care must be taken not to swallow the water when fasting.

@20.5.8 Washing the Face

Then one washes the face three times. The face is defined as being from the point where the hairline usually begins to the bottom of the chin, and from one ear to the other ear.

@20.5.9 Beard and facial hair

It is obligatory to wash all facial hair-inner, outer, and the skin beneath, whether the hair is thick or thin, such as eyebrows, moustache, and so forth; except for the beard, since:

1. if it is thin then its inner and outer hair and the skin beneath must be washed;
2. but if thick, then the outer hair is enough, though it is recommended to saturate it by combing it from beneath with wet fingers.

It is obligatory to cause the water to flow over the outer hair of the part of the beard that hangs below the chin, though not its inner hair.

It is obligatory to wash part of the beard in every direction beyond the bounds of the face, to make sure everything has been completely covered.

It is Prophetic practice to use new water to saturate one's beard if it is thick by combing it from beneath with the fingers.

@20.5.10: Washing the Arms

Then one washes the hands up to and including the elbows three times.

If the arm has been amputated between the hand and elbow, it is necessary to wash the remaining forearm and the elbow. If amputated at the elbow, then the end of the upper arm must be washed. If it has been amputated between the elbow and shoulder, then it is recommended to wash the rest of the upper arm.

@20.5.11 Wiping the Head

Then one wipes the head with wet hands, beginning at the front of the head, sliding the paired hands back to the nape of the neck, and then returning them to where one began three times.

This is an explanation of the best way, for otherwise, fulfilling the obligation does not depend on starting at the front, but may be from any part of the head.

If one is bald, or one's hair never grew, or is long, or braided, then it is not recommended to slide the hands back to the front.

Each of the following suffices as wiping the head:

1. to place the hand on the head without moving it so that one wets any of what is referred to by "wiping the head". The minimum of which is part of a single hair, provided this part does not hang below the limits of the head;
2. to drip water on the head without making it flow over it;

5. or to wash the head

If it is difficult to remove one's turban, then after wiping the minimum of the head required, one may finish by wiping the turban.

@20.5.12 Wiping the ears

One then wipes the ears inside and out with new water, three times, and then the ear canals with one's little fingers with more new water, three times

(though this second Prophetic practice is not mentioned separately in the more well known books, which speak of the two Prophetic practices together, making "wiping the ears" include the ear canals).

@20.5.13 Washing the Feet

Then one washes the feet up to and including the anklebones three times.

@20.5.14 Doubts about Washing a Limb Three Times

If one does not know whether a particular limb or the head has been washed three times

then it is assumed that the least number of times of which one is certain has been washed, from that point onward the count continues.

@20.5.15 Beginning with the Right, etc.

One begins with the right when washing arms and legs, but not the hands, cheeks, and ears, which are washed right and left consecutively.

@20.5.16 Washing More Than the Obligatory Area

One washes more than is obligatory of the face by adding part of the head and neck, and likewise with the arms and legs by washing above the elbows and ankles, the maximum of which is the whole upper arm or lower leg.

@20.5.17 Washing Without Pause Between Successive Limbs

One washes the parts of the body successively and without pausing between them such that in normal weather the last part would not dry before one began the next, though if one pauses between them, even for a long time, one's ablution is still valid without having to renew the intention.

@20.5.18 Supplication After Ablution

After finishing, one supplicates, "I bear witness that there is no god except Allah, alone, without partner, and I bear witness that Muhammad is His worshipper and messenger. O Allah, make me one of the repentant, one of the purified, one of Your goodly worshippers. O Allah, I declare Your exaltedness above every/all imperfection and Your Praise. I bear witness that there is no god except You. I ask Your forgiveness and turn to You in repentance."

There are also supplications said for each limb washed, but these are not authenticated as being of the Prophetic practice.

@20.5.19 Other Recommended Manners

Other recommended manners (adab) include:

1. facing the direction of prayer;
2. not to talk during ablution for other than a necessity;
3. and to begin with the top of the face and not slap water upon it.

@20.5.20 If someone is pouring the water for you. or if using a faucet

Begin by washing the arms from the elbows, and the feet from the anklebones. If pouring one's own water for example from a jug, one begins washing the arms from the fingers and the feet from the toes.

@20.5.21 Care should be taken to ensure water reaches the inner corners of the eyes, and the heels up to the level of the anklebones, and similar places it is feared one may neglect, especially during the winter.

@20.5.22 Move rings when washing the hand to allow water to reach the skin beneath. If the water cannot reach the skin under the ring then it is obligatory to slide or remove the ring.)

@20.5.23 Wash between the toes using the little finger of the left hand. Start by washing the little toe of the right foot, coming up through the toes from beneath and finish with the little toe on the left foot.

@20.5.24 Things Offensive in Ablution

It is offensive:

1. to have another person wash one's limbs, unless there is a valid excuse i.e. old age
2. to wash the left before the right;
3. to waste water.

@20.5.25 Minimal Amounts of Water for Ablution and Bathing

It is recommended:

1. not to use less than 0.51 liters (mudd) of water for ablution;
2. not to use less than 2.03 liters (sa') of water for the purifying bath (ghusl);
3. not to dry off the parts washed in ablution unless there is an excuse such as illness or cold weather nor shake the water off one's hands;
4. not to ask another to pour water for one's ablution;
5. and not to wipe the neck.

@20.5.26 Water-Repellent Substances Prevent Ablution

If dirt under the nails prevents the water of ablution or the purifying bath from reaching the skin beneath then the ablution or bath is not valid. The same is true of waterproof glue, paint, nail polish, and so forth on the nails or skin if it prevents water from reaching any part of the nails or skin, no matter how small, one's ablution or purifying bath is not valid.

@20.5.27 Doubts About Having Washed a Part in Ablution

If one has doubts during the course of the ablution that one has washed a particular limb or the head, then it is obligatory to wash it again and everything that follows it in the ablution sequence. But if these doubts arise after one has finished ablution, one need not repeat anything.

The same applies to the purifying bath (ghusl).

@20.5.28 Renewing Ablution When not Obligatory

It is recommended to renew the ablution when there has been no intervening state of minor ritual impurity after one has performed the prayer regardless if it was obligatory or nonobligatory.

@20.5.29 Ablution Recommended After Making Love

Ablution is recommended for someone in a state of major ritual impurity (janaba) who wishes to eat, drink, sleep or make love again, and Allah knows best.

@*Chapter 20.6.0: Wiping Foot leather socks

@ Wiping over one's wiping foot leather socks (khuff) with wet hands is a dispensation that can take the place of the fifth ablution integral of washing the feet. The leather socks Muslims generally use for this are ankle-high leather socks that zip up and are worn inside shoes.

@20.6.1 Duration of Periods of Permissibility

Wiping the leather socks is permissible for 72 hours (lit. "three days and nights") to a traveler on a lawful journey - a journey that is not undertaken for the purpose of disobeying Allah - that fulfills the conditions permitting one to shorten prayers on journeys (def:14.15.1-5).

Wiping the leather socks is also permissible to a non-traveler for 24 hours (lit. "a day and a night"). At the end of these periods, the leather socks is to be removed to perform ablution, or, if one has ablution at the time, to wash the feet, before putting them on again and starting a new period of permissibility, as at 20.6.7

The beginning of the period is reckoned from the time of the first minor ritual impurity (hadath) that occurs after having put them on while in a state of ablution.

@20.6.2 In the event that there is doubt as to whether or not the permissible period for wiping over the leather socks is still in effect, it is not permissible to

wipe over them. This is because dispensations cannot be taken unless one is certain of their necessary conditions.

If there is uncertainty of the beginning of the permissible time but one knows its time is nearing its end then use this example to relate to the prevailing circumstance.

Example, a worshipper is uncertain whether or not his ablution was void at the time of the noon prayer or at the time of the midafternoon prayer. The correct way to proceed is to assume that the ablution became void at the time of the noon prayer.

@20.6.3 Example of the Invalidation of Wiping Leather socks

If a state of major ritual impurity (janaba) occurs during the permissible period for wiping over the leather socks, then one must take them off in order to take the purifying bath (ghusl).

@20.6.4 Conditions for Permissibility of Wiping the Leather socks

The conditions for the permissibility of wiping over the leather socks are:

- (a) that one has ablution when one first puts them on;
- (b) that the leather socks is free of filth;
- (c) that they cover the whole foot up to and including the anklebones;
- (d) that they prevent water if dripped on them drop by drop from directly reaching the foot.

If water reaches the foot through the holes of a seam's stitches, it does not affect the validity of wiping them, though if water can reach the foot through any other place, it violates this condition;

(e) and that they be durable enough to permit continuous walking regardless whether they are made from leather, felt, layers of rags, or thick, heavy woolen socks capable of preventing water from reaching the foot provided that none of the foot shows. In each of the four schools, modern dress socks are not permissible because they are in non-compliance with (d) and (e) of the above, even if many are worn in layers. Laced-up leather socks is also not acceptable

Wiping over one of a pair of leather socks and washing the other foot is not permissible. Leather socks that has a hole is not permissible.

@20.6.6 How to Wipe Leather socks

It is the prophetic way to wipe the leather socks on the top, bottom, and heel in lines without covering every part of them or wiping them more than once, as if combing something with the fingers.

Put the left hand under the heel and the right hand on top of the foot at the toes. Draw the right hand back towards the shin while drawing the left along the bottom of the foot in the opposite direction towards the toes.

It is sufficient to wipe any part of the leather socks upon any part of their upper surfaces with wet hands, from the top of the foot up to the level of the anklebones.

It is not sufficient to only wipe some of the bottom, heel, side of the foot, or some of the leather socks's inner surface that faces the skin.

@20.6.7 When Foot Shows

In the event that ablution was made in which the leather socks was wiped and then some part of the foot became exposed through taking the leather socks off, or through a hole, it is sufficient to complete one's ablution to just wash the feet again without repeating the ablution.

@*Chapter 20.7.0: The Four Causes of Minor Ritual Impurity (Hadath)

@ Things that void ablution.

@20.7.1 Anything That Exits from the Private Parts

The first is anything that exits from either the front or rear private parts, whether a substance such as urine, feces, or mucus that exits from the vagina with or without sexual stimulation - though not a woman's sexual fluid that appears through orgasm discussed below - or wind, and whether something usual or something uncommon such as a worm or stones.

The same regulation applies to those who do not have the natural private parts and have surgical substitutes that exit either the feces or urine. The best option for such people is that they make ablution for each prayer.

Minor ritual impurity does not include a male's sperm or female's sexual fluid (Maniyy) that exits with orgasmic male or female contractions (def:20.10.4) which necessitates the purifying bath because this constitutes a major ritual impurity.

@20.7.2 Loss of Intellect Through Sleep, etc.

The second cause of minor ritual impurity is loss of intellect, in other words the loss of the ability to distinguish, whether through insanity, unconsciousness, sleep, or other. Loss of intellect does not include dozing or daydreaming because they do not void ablution. Among the signs of dozing is that one can hear the words of those present, even though they may not be comprehended.

@20.7.2 Sleep While Seated

Sleep while firmly seated on the ground, or any other surface firm enough to prevent a person breaking wind while seated on it does not void ablution, no matter whether riding mounted, leaning on something, which if removed would cause one to fall.

If one sleeps when firmly seated and one's rear moves from its place before one awakens, this voids one's ablution, but not if:

1. one's rear moved after or during awakening, or if one is uncertain about whether it happened before awakening or during;
2. one's arm dropped to the ground while one was firmly seated;
3. or when one dozes-off while not firmly seated, hearing but not comprehending, or if one is uncertain as to whether one dozed-off or slept, or if one is uncertain as to whether one slept while firmly seated or not firmly seated.

@20.7.3 Contact of Man and Woman's Skin

The third cause of minor ritual impurity is when any, no matter how little, the two skins of a man and woman touch, for example that of a husband and wife, when they are not each other's unmarriageable kin (mahram, def:17.6). This applies even if they touch without sexual desire, or unintentionally, and even with tongue or a nonfunctional, or surplus limb; though touching does not include contact with teeth, nails, hair, or a severed limb.

Ablution is also becomes void by touching an elderly person or a corpse of the opposite sex, but not by touching a member of one's unmarriageable kin, or a child who is younger than the age that usually evokes sexual interest.

One's ablution is not void when one is uncertain about:

1. whether one touched a male or female;
2. whether one touched hair or skin;
3. or whether the person one touched was one's unmarriageable kin or not.

@20.7.4 Touching Human Private Parts with Hand

The fourth cause of minor impurity is touching human private parts with the palm or inner surface of the fingers only whether one touches the private parts:

1. absentmindedly;
 2. without sexual desire;
 3. in the front or rear;
 4. of a male or female;
 5. of oneself or another, even if deceased, or a child;
- but not if one touches them with one's finger tips, the skin between the fingers, with the outer edge of the hand, or touches the corresponding parts of an animal.

@20.7.5 Things That Do Not Void Ablution

Ablution does not become void by vomiting, letting blood, nosebleed, laughing during the prayer, eating camel meat, or other things not previously mentioned.

@20.7.6 Doubts about whether ablution has become void

When there is certainty that a minor ritual impurity has occurred, but there is uncertainty whether one subsequently removed the condition by renewing the ablution, then one is in a state of minor ritual impurity because in the Sacred Law, something that one is certain about overrules an uncertainty.

For example if one is certain that one had abultion, but is uncertain whether or not it has been subsequently become void, one still has ablution.

@*Chapter 20.8.0: Actions Unlawful During Minor Ritual Impurity

@20.8.1 Touching the Koran is Unlawful Without Ablution (5)

It is unlawful to do any of the following whilst in a state of minor ritual impurity:

1. to perform the prayer;
2. to prostrate when reciting the Koran at verses in which it is Prophetic practice to do so (def; 14.11.13);
3. to prostrate out of thanks (14.11.19);
4. to circumambulate the Kabah (21.5);
6. or to carry a Koran, even by a strap or in a box, or touch it, whether its writing, the spaces between its lines, its margins, binding, the carrying strap attached to it, or the bag or box in which it is in.

Other aspects of proper manners (adab) towards the Book of Allah are given below at w-16.)

The opinion expressed in “Fiqh al-Prophetic practice” that it is permissible to touch the Koran without ritual purity is a deviant view and is contrary to all four schools of jurisprudence and impermissible to teach (dis:4.7.1(3).

In the Hanifi school, it is permissible for someone in a state of minor ritual impurity to touch or carry a Koran that is inside a cover not physically attached to it, such as a case or bag, as opposed to something joined to it, like a binding (al-Lubab fi sharh al-Kitab (y-88), 1.43). And Allah knows best.

@20.8.2 Carrying the Koran, Etc.

It is also unlawful to touch or carry any of the Koran written for the purpose of study without having ablution and this includes a single verse or part of even part of it.

However, it is permissible for non-study purposes such as when the Koran is intended to be an amulet (def:w-17).

Shaykh Shirbini al Khatib said that It is not prohibited to touch or carry such an amulet even if it contains whole suras, or even the whole Koran.

It is permissible to carry a Koran in one's baggage and to carry money, rings, or clothes on which the Koran is written.

It is permissible to carry books of Sacred Law, Prophetic quotations (Ahadith), or the explanation of the Koran with partial Koranic text although not the entire Koran. The reason for this is that non-Koranic part is the purpose, however it is unlawful if half or more is the Koran.

Boys who have reached the age of discrimination (def:14.1.2(O:)) may touch or carry the Koran while in a state of minor ritual impurity. This applies to both girls and boys because they need to learn it and it is difficult for them to keep their ablution. However, it is unlawful if it is not for the purpose of studying. As for children under this age, their guardian may not give them a copy of the Arabic Koran. Also, teachers should remind children that it is unlawful to moisten one's fingers with saliva to turn its pages as this is disrespectful.

A person in a state of minor or major impurity may write Koran if he does not touch or carry what he has written.

@20.8.3 If there is no alternative, it is permissible to pick up a copy of the Koran that might either become burned, soaked, come into contact with filth or a non-Muslim might touch it, whilst one is in a state of either minor or major ritual impurity, after, if possible, having made the dry ablution, (tayammum, def:20.12).

@20.8.4 Unless theft is feared, it is unlawful to use a Koran or book of Islamic knowledge as a pillow, and Allah knows.

@*Chapter 20.9.0: Going to Lavatory

@20.9.1 Recommended Measures

It is recommended when one intends to use the lavatory:

1. to put something on one's feet, unless there is an excuse such as not having shoes;
2. to cover the head, even if only with a handkerchief or something else;
3. not to enter the bathroom with anything on which the Name of Allah, the Most High. His messenger - may Allah venerate him and give him peace - , or any revered name such as those of prophets or angels are mentioned unless it is covered. If one enters with a ring on which something worthy of respect is written turn it around and close your hand around it;
4. to use water to clean and remove filth from one's private parts, and dry oneself with toilet tissue etc. When camping or trekking etc., and no water is available blunt stones should be used to remove filth. (def:20.9.5);
5. to say before entering:
"In the Name of Allah. O Allah, I take refuge in You from the male and female satans."
and after leaving,
"[O Lord, I ask of You] Your forgiveness. Praise be to Allah who rid me of the hurt and gave me health";
6. to enter with the left foot first and leave with the right foot first and this, together with (3) and (5) above, are not only for indoors, but recommended outdoors as well;
7. not to raise one's garment until one sits down or squats down to the ground, and lower it before standing up. Keep one's nakedness covered as much as possible;

8. to put most of one's weight on the left foot while squatting;
9. not to spend a long time;
9. not to speak;
10. when finished urinating, men should squeeze the penis with the left hand from base to head, pulling lightly three times, this is recommended because of the position of the urethra. Women should squeeze their front between thumb and forefinger to prevent urine from exiting later and void the ablution. If the person thinks the flow of urine has finished the pulling or squeezing is recommended, however, if there is uncertainty it becomes an obligation. It is highly recommended to check one's natural relieving habits. Some finish urinating immediately whereas others may drip for a while after. If there is dripping then the person must wait until it has finished before making ablution;
12. not to urinate while standing, which is offensive, unless there is a reason such as when standing is less likely to spatter urine on one's clothes than sitting, or when sitting is a hardship;
13. not to clean oneself with water in the same place one relieved oneself, if it might spatter, though if in a lavatory one need not move to a different place;
14. to distance oneself from others if outdoors and to screen oneself;
15. not to urinate into holes, on hard places, where there is wind, in waterways, where people gather to talk, on paths, under fruit trees, near graves, in still water, or in less than 216 liters of running water;
16. and not to relieve oneself with one's front or rear facing the sun, moon, or the Ka'ba, Medina or the Dome of Jerusalem.

@20.9.2 Prohibitions

It is unlawful to urinate on anything edible, bones, anything deserving respect. It is also unlawful to urinate in a mosque, a grave or into a receptacle.

@20.9.3

It is unlawful to urinate or defecate with one's front or rear towards the direction of prayer when outdoors without a barrier to screen oneself, though this is permissible when one is indoors within a meter and a half of a barrier at least 32 cm. high, or in a hole of that depth. When one is not this close to such a barrier, it is not permissible except in a lavatory, where, if the walls are farther from one than the maximal distance or are shorter than the minimal height, relieving oneself with front or rear towards the direction of prayer is permissible, though offensive.

@20.9.4 The Obligation of Cleaning Oneself of Filth

It is obligatory to cleanse oneself of every impure substance coming from one's front or rear, though not from gas, dry worms or stones, or excrement without moisture.

@20.9.5 Use of Dry Substances or Water

The use of water to cleanse oneself is preferable however, if water is limited, stones suffice as a cleansing media followed by washing with water. Stones can

be substituted with anything that is solid, pure, capable of removing filth, and is not something that deserves respect or worthy of veneration, nor something that is edible - these being the five conditions for the validity of stone usage - to clean oneself of filth without having to follow it by washing with water.

But it is obligatory to wash oneself with water if:

1. one has washed away the filth with a liquid other than water, or with something impure;
2. one has become soiled with filth from a separate source;
3. one's waste has moved from where it exited and reached another part of one's person or has dried;
4. or if the feces spread beyond the inner buttocks, meaning that which is enfolded when standing, or urine that has moved beyond the head of the penis, though if they do not pass beyond them, stones suffice.

@20.9.5 How to Cleave Oneself

It is obligatory when cleansing oneself with a dry substance alone to both remove the filth, and to wipe three times, even when once appears to be enough to clean it. This done with either three stones or three sides of one stone. If any filth remains after the third attempt then it is obligatory to repeat the cleansing until clean.

Imam Nawawi says in "al-Majmu'" that cleansing oneself with a dry substance means the removal of all the filth so that nothing remains except a trace cannot be removed unless water were to be used. Any trace that remains that could have been removed by water is excusable.

When removing the filth it is recommended that an odd number of strokes is used. One should start wiping from front to back on the right side with the first piece, then in the same manner wipe the left side, this is followed by wiping both sides and the anus with the third. Each stroke must begin at a point on the skin that is free of impurity and it is offensive to use the right hand to remove the filth.

@20.9.6 Cleaning before or after ablution

It is best to clean oneself of filth before ablution, though if one waits until after it to clean, the ablution is nevertheless valid, provided that while cleansing, the inside surface of the hand (20.7.4) does not touch the front or rear private parts.

However, if one is making the dry ablution (tayammum, def:20.13) and has not cleaned away the filth before making the ablution, the dry ablution is not valid because a condition of the dry ablutions is that one is free from filth.

@*Chapter 20.10.0: Major Ritual Impurity (Janaba)

@20.10.1 Causes

The purification bath (ghusl, def:20.11) is obligatory for a male when:

1. his sperm is ejaculated;
2. or the head of his penis enters a vagina;

For a female a purificatory bath is obligatory when:

1. sexual fluid (below) exits from her;
2. the head of a penis enters her vagina;
3. after her menstrual cycle;
4. after her postnatal lochia stops or after a child is born in a dry birth.

The Arabic word “maniyy” used in all these rulings and refers to both male sperm and female sexual fluid – that which comes from an orgasm.

@20.10.3 In the event that after having had sexual intercourse sperm exits from a woman after she had taken the purifying bath she must repeat the major ritual ablution (ghusl) if two conditions exist:

- (a) that she is of sexual enjoyable maturity.
- (b) that she was fulfilling her sexual urge with the lovemaking, but not sleeping or against her will.

@20.10.4 Meaning of Sperm and Female Sexual Fluid

Male sperm and female sexual fluid are recognizable by:

- (a) coming in spurts, contractions;
- (b) with sexual gratification;
- (c) when moist smell like bread dough, and when dry like egg-white.

When a substance from the genital orifice has any one of the above characteristics, then it is either sperm or sexual fluid and necessitate the taking of the obligatory purifying bath.

When neither one nor the other characteristics mentioned above are present it is neither sperm nor sexual fluid.

Being white or thick are not necessary for it to be considered male sperm, and being yellow or thin are not necessary for it to be considered female sexual fluid.

@20.10.5 Things not to be considered as sperm

The purifying bath is not obligatory:

1. when there is an unlustful discharge of thin, sticky, white fluid (maThy) caused by amorous play or kissing;
1. or when there is a discharge of the thick, cloudy white fluid (wady) that exits after urinating, or carrying something heavy.

@20.10.6 Doubts About Whether Discharge Is Sperm

If one does not know whether one's discharge is sperm or whether it is maThy def:(1) above, then one may either:

1. consider it as sperm, and perform the purifying bath. In this case washing portions of affected clothing etc. is not obligatory, as it is legally considered a pure substance;

2. or consider it to be “maThy”, and wash the affected portions of the body and clothes which is obligatory, as it is legally considered filth, and perform the minor ablution but not a purifying bath for the major ablution.

The best course in such cases of uncertainty is to do all of the above, i.e. bathing, washing the affected portions, and ablution, so as to ensure that one can worship.

@20.10.7 Unlawful actions when in a state of major ritual impurity (janaba)
Matters unlawful to someone in a state of minor ritual impurity (20.8.1) also apply to someone in a state of major ritual impurity, or menstruation. In addition, it is unlawful for such a person:

1. to remain in a mosque;
2. or to recite any of the Koran, even part of a single verse, though it is permissible to use its remembrance (Thikr) when the intention is not Koran recital such as saying in times of disaster, 'We belong to Allah and to Him we shall return.' (Koran 2156) and likewise. If one intends Koran recital, it is disobedience, but if one intends it primarily as remembrance (Thikr), or as nothing in particular, it is permissible.

It is permissible to pass through a mosque but one must not enter and leave by the same door (taraddud), which is unlawful when one is in a state of major ritual impurity, however, passing through a mosque when in this condition is offensive when there is no need.

@*Chapter 20.11.0: How to Perform the Purification Bath (Ghusl)

@20.11.1 Steps

When performing the purifying bath, one:

1. begins by saying, "In the Name of Allah, the Merciful, the Most Merciful";
2. remove any unclean matter on the body ;
3. perform ablution (wudu) as one does before the prayer;
4. pour water over the head three times, intending the purifying bath, or to lift a state of major ritual impurity (janaba) or menstruation, or to be permitted to perform the prayer, and run one's fingers through one's hair to saturate it;
5. this is followed by pouring water over the right side of the body three times, then over the left side three times. Make sure the water touches all the joints, folds, etc. by rubbing oneself;
6. after menstruation, a non-virgin woman can use some musk to eliminate the afterscent of blood (by applying it to a piece of cotton and inserting it, after bathing, into the vagina as far as is obligatory (below) for her to wash. (What is meant thereby is a substance that removes the traces of filth, by any means, and it is fine to use soap.)

Two things are obligatory for the validity of the purifying bath:

- (a) making the intention (#4 above) when water is first applied to the parts that must be washed;
- (b) that water reaches all of the hair and skin including the roots of the hair, underneath the nails, and the outwardly visible portion of the ear canals. Unlike the minor ablution the sequence of washing is not obligatory. Water should reach under the foreskin of the uncircumcized man, and the private parts of the non-virgin woman which are normally disclosed when she squats to relieve herself.

In the Hanafi school, rinsing out the mouth and nostrils (defL 20.5.7) is obligatory for the validity of the purifying bath (al-Lubab fi sharh al-Kitab (y-88) 1.14. It is better for all Muslims not to omit these washings, and Allah knows best.

@20.11.2 Voiding of ablution (wudu) before finishing the major bath

If after having made the ablution during the purifying bath the ablution is voided before the bathing has been completed, it is not necessary to renew the ablution unless the ablution is needed for prayer (def:20.7).

@20.11.3 Removing filth from body before bathing

If there is any filth (najasa) on the body then it is to be washed away with water followed by the purifying bath. However, washing oneself a single time suffices for both removing it and for the purifying bath.

@20.11.4 Performing bath for two reasons at the same time

One bath suffices a women who is obligated lift both the state of major ritual impurity (janaba) and to purify herself after her menstrual cycle.

When a person performs the purifying bath once and makes the intention to purify himself from a state of major ritual impurity and fulfill the Prophetic practice of the Friday prayer bath has performed both. However, if his intention was for one and did not include the other the bath counts for one.

@20.11.5 Times when the purifying bath is Prophetic practice

The purifying bath is Prophetic practice:

1. for those who want to attend the Friday prayer (def:14.18). The bath can be taken anytime from the beginning of dawn;
2. on the two 'Eids (14.19). The bath can be taken anytime from the middle of the night;
3. on days when the sun or moon eclipse;
4. before the drought prayer (14.21);
5. after washing the dead, and it is Prophetic practice to perform ablution (wudu) after touching a corpse;
6. after recovering one's sanity or regaining consciousness;
7. before entering the state of pilgrim sanctity (ihram, def:21.3), when entering Mecca, for standing at 'Arafa (21.8), for circumambulating the Kaba (21.5) and going between Safa and Marwa (21.6), for entering Medina, at al-Mash'ar al-

Haram (21.9.2), and for each day of stoning at Mina (21.10) on the three days following 'Eid al-Atha.

@*Chapter 20.12.0: Dry ablution (tayammum)

Making the dry ablution is a dispensation that enables the performance of the prayer or a similar when one is unable to use water but does not lift one's minor or major impurity.

@20.12.1 Conditions for validity

Three conditions must be met for the legal validity of performing dry ablution.

(a) The first is that it must be performed after the prayer has begun regardless if it is to pray the obligatory prayer or a voluntary prayer that has a particular time.

The first step of the dry ablution which is the act of lifting the earth to the face and arms, must take place during that time. In the event that one is unsure if the time of prayer has arrived and even if it coincides with the correct time (dis 20.6.2 the ablution is invalid.

In the event that an obligatory prayer has been missed, for example the Dawn prayer remains to be performed, and one makes the dry ablution in the midmorning for it, but the time of the noon prayer arrives before the missed prayer has been performed, then the missed prayer can be performed as well as the noon prayer because the intention to make the dry ablution was made for the noon prayer so it did not annul the previous regulation of making the dry ablution for a future prayer, thereby it can be used as a dispensation for the noon prayer.

(b) The second condition is that dry ablution must be performed with plain, purifying earth that contains dust, even the dust contained in sand; though not pure sand devoid of dust; nor earth mixed with the like of flour; nor gypsum pottery shards because they are not classified as earth, or earth that has been previously used, meaning that which is already on the limbs or has been dusted off from them.

(c) The third condition for making the dry ablution is the inability to use water to perform the purificatory bath (ghusl) to remove the state of major ritual impurity (janaba) or a woman after her menstrual cycle that would then enable the person to do whatever is permissible. In the event that either becomes in a state of minor ritual impurity (hadath), only the things prohibited on account of the minor impurity become unlawful to them (def:20.8.1). As soon as water becomes available then the obligatory purifying bath must be taken as the dispensation of the dry ablution is no longer valid.

@20.12.2 The three circumstances that validate the non-use of water

- a. Lack of water
- b. Fear of thirst
- b. Illness

@20.12.3 Lack of Water

The first is lack of water. When it is certain that there is no water then one can perform the dry ablution without searching for it. However, if there is a possibility that water might be available then one must search through one's effects and inquire from one's fellow companions either individually, or, if in a large party to just call out "Has anyone got water, even if it is for sale?" If there is a negative response then one should look around for some water in the near vicinity provided there is neither threat to life nor property.

@20.12.4 Certainty of getting water at end of prayer time

The search for water must occur after the current prayer time has arrived. If after having unsuccessfully checked for water one performs the dry ablution and then prays the obligatory prayer and decides to remain in the same place, there is no need to duplicate the search when the next prayer time arrives, provided nothing in the meantime has occurred that might change one's mind as to the possibility of water availability, such as the appearance of rain clouds or the arrival of other travelers.

@20.12.5

If one is certain that water can be obtained if one delays the prayer until the end of its designated time then it is better to wait. However, if one thinks otherwise, then it is better to perform dry ablution and pray at the beginning of the prayer time.

@20.12.6 Buying water

This ruling applies to both obtaining water for purification and to obtaining clothing to fulfill the prayer's condition of covering one's nakedness (def:14.5).

If a person gives or loans someone water, or loans a bucket when it is the only way to obtain water, then it is obligatory on him to accept it; However if he is offered loan of water's price, then there is no obligation to accept it. For the favor will be a burden.

Provided one has sufficient money in excess of one's debts, even if they are not due until a future date, and provided one's money exceeds the amount required to cover the round trip expenses of the journey and one finds either water or a bucket for sale at an uninflated price for that locality and time, then it becomes obligatory to make the purchase.

If someone has an excess of water but refuses to sell it, one may not take it from him by force, except in the case of extreme thirst, providing the owner of the water is not also suffering from thirst. If the owner is not suffering from thirst then he must be paid the normal price of locality and time, because one's need does not eliminate the rights of another.

@20.12.7 Only enough water for partial ablution or bath

If one finds some water, but it is insufficient to complete the purification, one must use it as far as it will go, and then perform dry ablution in place of the rest.

For minor ritual impurity due to the insufficiency of water start with the washing of the face because its washing is obligatory whereas the washings prior to that of the face are Prophetic practice rather than obligatory, then continue with the regular sequence.

For major ritual impurity (janaba), one begins wherever one wishes, though it is recommended to start at the top of the body.

@20.12.8 Fear of Thirst

The second reason for not using water to perform ablution is fear for one's own thirst, that of accompanying companions and livestock, including trained hunting dogs and other useful animals, even if the fear is for the future. However, the conserved water is not to be wasted on pigs and dogs that bite.

Ablution, as well as the purifying bath (ghusl), is unlawful in such circumstances. One should conserve water for the purpose of one's drink and the drink of others, and perform the dry ablution for prayer without the necessity of having to repeat the prayers later on provided there is no water within the vicinity (dis:20.12.19).

@20.12.9 Illness

The third condition for not using water to perform ablution or the purifying bath is if one is fearful that water will aggravate a medical condition:

1. harm to life or limb;
2. disability;
3. becoming seriously ill;
4. an increase in one's ailment;
5. impediment of recovery;
6. cause considerable pain;
7. a visible adverse reaction to the water.e's skin color on a visible part of the body.

@20.12.9-a: Meaning of Illness

One may depend on one's own knowledge or the experienced opinion of a qualified physician.

@20.12.10: Ablution over a cast or bandage

In a non-emergency situation one must make ablution or take a purifying bath, if required, before a cast or bandage is applied to the injured area. If it is harmful to remove the cast or bandage to make ablution for the prayer the normal ablution procedure is followed until it reaches the area on which there is a cast or bandage. The cast or bandage is then wiped over and the regular ablution sequence is resumed.

In the event that a dry ablution has been performed, upon the removal of either the cast or bandage, and that the water constitutes no harm, the prayers performed whilst using the dry ablution must be repeated after having made the regular ablution.

@20.12.14 Fear of illness from extreme cold

If there is no way to heat water with which to make ablution and to be able to warm-up thereafter during very cold weather and one fears the prospect of illness, or any of the previously mentioned factors (12.9), it is permissible to perform the dry ablution and repeat the prayer(s) later on when the cold and fear no longer exist.

@20.12.15 Ablution when there is a lack of both water and earth

When a situation exists in which there is neither water nor earth one should pray the obligatory prayer without ablution. A voluntary prayer should not be performed. As soon as either water or earth is found the ablution must be performed and the prayer/s repeated. If one finds oneself in a place where a dry ablution suffices as purification for a prayer, the prayer need not be made up for later (dis:20.12.19).

@20.12.16 Obligatory integrals of dry ablution

Dry ablution has seven obligatory integrals:

(a) The first is making the intention. The intention for permission to perform the obligatory prayer, or for other matters that necessitate the making of dry ablution on account of the lack of water for example carrying the Koran.

If one is performing dry ablution for an obligatory prayer, one must intend its being obligatory, though need not specify whether, for example, it is for the noon prayer or the midafternoon prayer. If one were to intend it for the obligation of performing the noon prayer, one could either pray the noon prayer or the midafternoon prayer with it but not both, see (12.20).

If one intends to perform a dry ablution for both an obligatory prayer and a non-obligatory prayer, then both may be prayed with that same dry ablution. However, if one's intention is for a non-obligatory prayer or a funeral prayer (janaza), then one may not pray an obligatory prayer with that dry ablution.

If one intends an obligatory prayer, one can pray non-obligatory prayers only, or pray them before and after an obligatory prayer during the obligatory prayer's time, or after the obligatory prayer's time has expired.

The intention must occur when one conveys the earth to the face, that is when one first strikes the earth and must continue until one wipes part of the face.

@20.12.17 Prophetic practices of how to make dry ablution
The Prophetic practices of dry ablution are:

1. to begin by saying, "In the Name of Allah, the Merciful, the Most Merciful";
2. Spread the fingers out and strike the earth with hands and shake of any excess dust.
3. Wipe the upper face before the lower including the area under the nose;
4. Strike the earth again as described, but this time if you are wearing a ring remove it, and wipe each arm, starting with the right arm up to and including the elbows followed by the left arm. The arms are wiped in this way:
 - a. the palms of the hands face upwards,
 - b. place the left hand crosswise under the right with left hand's fingers touching the backs of the fingers of the right hand,
 - c. slide the left hand up to the right wrist.
 - d. curl the fingers around the side of the right wrist and slide the left hand to the right elbow,
 - e. turns the left palm so it rests on the top of the right forearm with its thumb pointed away from one before sliding it back down to the wrist, where one wipes the back of the right thumb with the inside of the left thumb.

The left arm is wiped in the same manner followed by interlacing the fingers, rubbing the palms together, and then dusting the hands off lightly.

However, sections a through e are not obligatory, any way will suffice that wipes all of both arms.

It is not obligatory to make the earth penetrate under the hair or either the arms or face.

@20.12.18 One separates the fingers when striking the earth each of the two times, and must remove one's ring for the second before wiping the arms.

@20.12.19 Things which void dry ablution

Dry ablution becomes void by the things that void the water ablution (20.7) and by the belief that one is now able to obtain water before one begins to pray.

This belief also voids the dry ablution when it occurs during one's prayer if the prayer is one that must be made up later on such as the person, who makes the dry ablution at home due to lack of water. This is because if one makes the dry ablution in a place in which water is generally available throughout the year and the water happens to be cut-off for a brief period of time, then it is obligatory to make-up the prayer/s that were performed with the dry ablution because the incident was rare.

However, if the dry ablution has been made in a place in which water is seldom available during the year, it is not obligatory to make-up one's prayer later on.

If the prayer is not among those that must be made-up later on, as in the case of a desert traveler who has made the dry ablution, then during the prayer it occurs to him that water can be obtained, it does not void the ablution, and he is able to finish the prayer, however it is recommended to interrupt the prayer, perform the ablution and start the prayer again.

@20.12.20: Dry ablution must be performed for each of the five obligatory prayers

One may not perform more than one obligatory prayer with one dry ablution, or one that has been vowed (21.18), though one may pray any number of non-obligatory prayers or funeral prayers with it.

@*Chapter 20.13.0: The Menstrual Period

@20.13.1 Minimal and Maximal Duration

The minimal age for menstruation is approximately 9 full years. There is no maximal age for its termination, as it is possible until death.

The minimal menstrual period is a day and a night. It generally lasts 6 or 7 days. The maximal period is 15 days.

The minimal interval of purity between two menstruations is 15 days. There is no maximal limit to the number of days between menstruations.

@20.13.2 Dusky-colored discharge, intermittence, etc.

Whenever a woman who is old enough notices her bleeding, even if pregnant, she must avoid that which is to be avoided during her period (20.13.4). If it ceases in less than 24 hours, (lit. "the minimum"), then it is not considered to be menstruation and the woman must take up the prayers she has omitted during that time.

If it ceases at 24 hours, within 15 days, or between the two, then it is menstruation.

If it exceeds 15 days, then she is a woman with chronic vaginal discharge (dis:20.13.6).

Yellow or dusky colored discharge is considered menstrual flow.

If a woman has times of intermittent bleeding and cessation during an interval of 15 days or less, and the times of bleeding collectively amount to at least 24 hours, then the entire interval, bleeding and nonbleeding, is considered menstruation.

@20.13.3 Postnatal bleeding (nifas)

Postnatal bleeding (nifas) lasts at least a moment, generally 40 days, and at most 60. If it exceeds this, the woman is considered to have chronic vaginal discharge (dis:20.13.6)

@20.13.4 Actions Unlawful During Menstruation

All things unlawful for someone in a state of major ritual impurity (janaba) (dis:20.10.7) are unlawful to a woman during her menstruation and postnatal bleeding. It is also unlawful for her to fast, and the obligatory fast-days she misses must be made up later, though not the missed prayers.

It is unlawful for her:

1. to pass through a mosque when she thinks some of her blood might contaminate it and it is unlawful for her to remain in the mosque under any circumstances when menstruating or during the postnatal bleeding;
2. to make love, or take sexual enjoyment from what is between her navel and knees;
3. to be object of a divorce;
4. to perform purification with the intention to raise a state of ritual impurity.

When the bleeding ceases, then fasting, divorced, purification, and passing through the mosque are no longer unlawful for her, although the other things remain unlawful for her until she performs the purifying bath (ghusl, def:20.11).

@20.13.5 If a woman claims to be having her menstrual period, but her husband does not believe her, it is lawful for him to have sexual intercourse with her.

@20.13.6 Women with chronic vaginal discharge

A woman with chronic vaginal discharge should, when preparing to pray, wash her private parts, apply something absorbent and a dressing, and thereafter perform ablution with the intention discussed in section 20.5.3). She may not delay the commencement of her prayer after this except for reasons of preparing to pray such as clothing her nakedness, awaiting the call to prayer (aThan), or for a group to gather for the prayer. If she delays for other reasons, she must repeat the purification.

It is obligatory for her to wash her private parts, apply a dressing and perform ablution before each obligatory prayer. However, she can perform as many non-obligatory prayers as she wishes, carry and recite the Koran etc., until the arrival of the next time for prayer so long as her ablution has not been made void for another reason. If her ablution becomes void for another reason then she must renew the ablution and repeat the previously mentioned measures.

@20.13.7 People with chronic annulment of ablution

People who are unable to hold back intermittent drops of urine and know that the drops will not cease must take the same measures (def:20.13.6) applicable to a woman with chronic vaginal discharge and not delay the prayer as previously

described. The same applies to those who are in a state of chronic annulment of ablution, for example, those who continually break wind, excrement, or maThy (def:20.10.5) though washing and applying an absorbent dressing are only obligatory when filth exits.

@*Chapter 20.14.0: Filth (Nasaja)

@20.14.1 Things classified as filth

Filth means:

1. urine;
 2. excrement;
 3. blood;
 4. pus;
 5. vomit;
 6. wine;
 7. Alcohol used in cosmetics, surgery, etc., any liquid intoxicant , including according to the Shafi'i school, anything containing alcohol such as cologne and other cosmetics, though some major Hanafi scholars of this century, including Muhammad Bakhit al-Muti'i Egypt and Badr al-Din al-Hasani of Damascus, have given formal legal opinions that they are pure (tahir) because they are not produced or intended as intoxicants. Other scholars hold they are not pure, but their use is excusable to the extent strictly demanded by necessity. However, it is religiously more precautionary to treat them as filth, but the dispensation exists when there is need, such as for postoperative patients who are unable for some time after their surgery to wash away the alcohol used to sterilize sutures. And Allah knows best. Solid intoxicants are not filth, although they are unlawful to take, eat, or drink;
 8. dogs and pigs, puppies and piglets;
 9. wady and maThy (def:20.10.5);
 10. slaughtered animals that may not be eaten by Muslims (def:16);
 11. the dead animals and except fish. locusts, and humans.
 12. the milk of animals that may not be eaten: except humans
 13. the hair of unslaughtered dead animals;
 14. the hair of animals (other than human) that may not be eaten, when separated from them during their life (or after their death. As for before it is separated from them, the hair is the same as the particular animal, and all animals are pure during their life except dogs and swine).
- (In the Hanafi school, the hair of an unslaughtered dead animal (other than swine), its bones, nails (hoofs), horns, rennet and all parts unimbued with life while it was alive (A: including its ivory) are pure (tahir). That which is separated from a living animal is considered as if from the unslaughtered dead of that animal (Hashiya radd al-muhtar ala al-Durr al-mukhtar sharh Tanwir al-absar(y-47, 1.206-7).)

@20.14.2 Rennet in cheese-making

Rennet, which is a solidifying substance used in cheese-making is pure if taken from an Islamically slaughtered (def:21.17) suckling lamb or kid that has eaten nothing except milk.

@20.14.3 That which comes from the mouth of a sleeping person is impure if from the stomach, but pure if it comes from the saliva ducts.

@20.14.5 Some pure substances

The following are pure:

1. seminal fluid that has reached the stages of gestation in the womb, becoming like a bloodclot and then becoming flesh;
2. the moisture, mucus of a woman's private parts as long as it remains inside the area that need not be washed in the purifying bath (20.11.1(b)). However, once it exits, it is impure;
3. the eggs of anything;
4. the milk, fur, wool, or feathers of all animals that may be eaten, provided they are separated from the animal while living or after having been properly slaughtered;
5. human milk, male sperm (not the liquid that contains the sperms)

@20.14.6 Forms of filth that can become pure

No form of filth can become pure, except:

1. wine that becomes vinegar;
2. the hide of an unslaughtered dead animal that is tanned;
3. new animate life that comes from filth, such as worms;
4. Wine that becomes vinegar without anything having been introduced into it is pure, as are the sides of the container it touched when it splashed or boiled. However, if anything was introduced into the wine before it became vinegar, and turned it to be vinegar it is not purified.
 - a. In the Hanafi school the above is considered pure whether or not anything has been introduced into it.
 - b. in the Hanafi school filth which is transformed into a new substance, such as a pig becoming soap, etc. is not filth (al-Hadoyya al-Ala'iyya (y), 54).

Tanning means removing all the excess blood, fat, hair and so forth from the hide by using an acrid substance, even if impure. Other measures such as using salt, earth, or sunlight, are insufficient. Water need not be used while tanning, though the resultant hide is considered like a garment affected with filth, in that it must be washed with purifying water before it is considered pure.

Hides of dogs or swine cannot be purified by tanning.

Any hair that remains after tanning has not been made pure, although a little is excusable.

@20.14.7 Purifying something after contact with dogs or swine

Something that becomes impure by contact (def:below) with something from dogs or swine does not become pure except by being washed seven times, one of which but not recommended to be the last, must be with purifying earth (20.12.1 (b) mixed with purifying water, and it must reach all of the affected area. One may not substitute something else like soap or glasswort in place of earth.

In the Shafi'i school, the contact referred to is restricted to contamination by traces of moisture from dogs or swine no matter whether it is saliva, urine, anything moist from them, or any of their dry parts that have become moist (Mughni al-muhtaj ila ma'rifa alfaz al- Minhaj (y-73), 1.83).

If something dry such as the animal's breath or hair touches one's person, it need only be brushed away.

In the Maliki school, every living animal is physically pure, even dogs and swine (al-Fiqh 'ala al-maThahib al-arba'a (y-66), 1.11) and they consider the above sevenfold washing as being Prophetic practice.

While the more precautionary is to follow the Shafi'i school, a dispensation exists for those who have difficulty in preventing contamination from dogs, provided their prayer with its prerequisites is considered valid in the Maliki school (dis:8.6.4(end) and w-14.1(6)). And Allah knows best.

@20.14.9 The urine of a baby boy who has fed on nothing but human milk can be purified from clothe by sprinkling enough water on the spot to wet most of it, though it need not flow over it. The urine of a baby girl must be washed away as does that of an adult. (To have her avoid the men's meetings)

@20.14.10: Washing away filth

As for kinds of filth that are "without substance", for example that which is without discernible characteristic (najasa hukmiyya) such as a drop of dry urine on a garment that cannot be seen, it is sufficient to purify it by letting water flow over it.

However, if it is a substance that has a discernible characteristic (najasa 'ayniyya)) then it is obligatory to remove all taste of it, even if difficult, and to remove both color and odor if not difficult. If the odor alone is difficult to remove, or the color alone, then the fact that one of these two remains does not affect a spot's purity, though if both the odor and color of the filth remain in the spot, it is not considered pure.

@20.14.11 Water must flow when washing with under 216 liters

When using less than 216 liters of water to purify a spot affected by filth, it is obligatory that the water flow over it. It may not be simply immersed in the water (dis: 20.1.15), though this would be permissible with more than 216 liters. It is not

obligatory to wring it out. After one purifies it is recommended to wash it a second and third time.

@20.14.12 Filth on floor or carpet

When the ground, floor, or carpet is contaminated with liquid filth such as wine or urine, it is sufficient to saturate the place with water, and it is not necessary that the filth sink into the ground. If the effects of sun, fire, or wind remove the traces of the filth, the ground is still not pure until one saturates it with water.

@20.14.13 Liquids affected with filth

Liquids other than water, such as vinegar or milk, cannot be purified after they become affected with filth.

If a solid is affected, such as shortening, one discards the filth that fell into it and the shortening around it, and the remainder is pure.

@20.14.14 Whether or not water that washes filth is pure or impure

Water used to wash away filth is impure when:

1. it changes (20.1.17);
2. its weight increases;
3. or if neither of the above have occurred, but a trace, an inexcusable amount, (20.14.10, second par) of filth remains on the place to be purified;
4. however, if none of the above occurs, then the water is not impure but cannot be used to purify other things; although if the water amounts to, or is added to until it reaches 216 or more liters (dis 20.1.16), then it is purifying, but if the amount is less, then it is considered the same as the spot it washed.
5. If the spot is considered pure, and an inexcusable trace does not remain, then the water is pure, but if the spot is still impure, then the water is impure.

@20.14.15 A garment damp with filth that touches one that is dry

The Hanafi school's ruling is that if a garment has a spot of damp filth, meaning a quantity that is too slight to be able to wring any drops from it, touches another dry, pure garment, the pure garment does not become impure (Maraqī al-falah sharh Nur al-idah(y-126), 31).

@*BOOK 21: THE PILGRIMAGE

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@*Chapter 21.1.0: WHO MUST PERFORM THE GREATER PILGRIMAGE (HAJJ) AND THE LESSER PILGRIMAGE ('UMRA)

@ The Greater and Lesser pilgrimages (Hajj and 'Umra) are obligatory because of the Word of Allah, the Most High:

"Pilgrimage to the House is a duty to Allah for all who make the journey." (Koran 3.97),

and,

OURS TRANSLATION:

"Fulfill the pilgrimage and make the visitation for Allah." (Koran 2.196)

"Complete the hajj and 'umra for Allah" (Koran 2.196),
meaning, perform both of them completely.

@21.1.1 Special vocabulary:

(This section uses the following special vocabulary in addition to some of the terms previously mentioned at 14.8.1

'Arafa: (syn.'Arafat) the name of a plain about thirteen miles to the east-southeast of Mecca.

Hajj: the greater pilgrimage to Mecca.

Ihram: the state of consecration that pilgrims enter for the Greater Pilgrimage (Hajj) and the Lesser Pilgrimage ('Umra).

Labbayk: a litany meaning, "Obedient to You, O Allah, with happiness."

[Meaning obeying Prophet Ibrahim's first call for Hajj inviting humanity.]

Al-Masjid al-Haram: the Holy Mosque in Mecca that encompasses the Ka'ba.

Safa and Marwa: two hillocks connected by a course adjoining al-Masjid al-Haram.

'Umra: the Lesser Pilgrimage or visit to Mecca that may be performed at any time of the year.

@21.1.2 Greater Pilgrimage (Hajj) and the Lesser Pilgrimage ('Umra) obligatory once in a lifetime 21.1.2

Both the Greater and Lesser pilgrimage (Hajj and 'Umra) are obligatory, though neither is obligatory more than once in a person's lifetime unless one vows (def:21.18) more than that.

@21.1.3 Who is obligated:

They are only obligatory for someone who:

(a) is Muslim;

(b) has reached puberty;

(c) is sane;

(d) and is able (def:21.1.6-10) to do so.

@21.1.4 Greater Pilgrimage (Hajj) of those for whom it is not obligated is valid:

The Greater or Lesser (Hajj or 'Umra) of someone considered unable is valid.

However it is not valid if the person is a non-Muslim, or a child under the age of discrimination (14.1.2) who is unaccompanied by a guardian.

It is valid for a child who has reached the age of discrimination to enter the state of Pilgrim Sanctity (ihram) with his guardian's permission, "guardian" meaning the person with lawful disposal over the child's property.

It is also valid for the guardian to enter the state of Pilgrim Sanctity (ihram) on behalf of an insane person or a child under the age of discrimination. In such cases the guardian encourages his charge do as much as he is able, by having him perform the purifying bath (ghusl), remove his clothing that has seams, and put on garments of pilgrimage. He tells his charge of the things that are prohibited during the pilgrimage, such as the use of perfume and the like (def;

21.3.5) and forbids his charge use or do them. Once this is accomplished, he takes his charge to the various places of the Hajj rites, it must be noted that it is not sufficient for the guardian to go alone, and thereafter performs the acts that his charge cannot do himself. For example, entering into Pilgrim Sanctity (ihram) for which his charge is unable to make a legally valid intention, the two units of prayer (rak'a) after circumambulating the Ka'ba, and the stoning at Mina.

The pilgrimage of someone who has not reached puberty does not fulfill the obligation Islam imposes, since even though it is valid, it is Voluntary.

@21.1.5 Meaning of ability to perform the Greater Pilgrimage (Hajj):

Those able to perform the Greater Pilgrimage (Hajj) are of two types: those able to perform the Hajj in person, and those able to fulfill the Hajj by sending someone in their stead.

@21.1.6 Ability to perform the Greater Pilgrimage (Hajj) in person:

The conditions for being considered able to perform the Greater Pilgrimage (Hajj) in person are:

- (a) to be healthy enough to undertake the journey without serious harm;
- (b) to be able to obtain provisions for the journey;
- (c) to have sufficient money to buy water from the places through which one travels;
- (d) to have suitable transportation. If one is unable to find suitable transportation, or if it is more than the usual round trip price, "usual" meaning the fare is no more than a round trip journey of similar distance, then there is no obligation to perform the Hajj.;
- (e) to be able to pay for (b), (c), and (d), round trip, with money one has that is in excess of the amount one requires to support the members of one's family and clothe them for the duration of one's absence, and obtain lodgings for oneself; and that it is in excess of any money one owes for debts, even those not yet due. Scholars concur that a debtor is not obliged to perform the Hajj even if his creditor does not mind postponing the repayment of the debt until after the Hajj. The also concur that there is no obligation upon a person to perform the Hajj when someone is willing to loan him the money to do so, however if he does take the loan his Hajj is valid;
- (f) and that a route exists that is safe for one's person and property from marauders and enemies, whether the latter be non-Muslims or whether highwaymen demanding money, even when the amount is inconsiderable. This also includes the "so called" Hajj fees, which are not countenanced by Sacred Law. If there is no route except by sea, then one must take it if it is usually safe, but if not, then it is not obligatory. These are the conditions for the obligatoriness of the Hajj or 'Umra and if one of them is lacking, the Hajj and 'Umra are not obligatory for that year, however, if one performs them anyway, one's performance is valid and fulfills the rites which Islam imposes.

@21.1.7 Additional conditions for women:

The above conditions apply equally to a woman. In addition a woman requires either her husband or unmarried male relative (mahram, def: 17.6.2), or two or more reliable women, even if they are not accompanied by any of their unmarried male relatives.

@21.1.8 If the above conditions are met, but there is no longer time to reach Mecca, then the Greater Pilgrimage (Hajj) is not obligatory. But if time remains, it is obligatory.

@21.1.9 Performing the Greater Pilgrimage (Hajj) the first year one is able: It is recommended to perform the Greater Pilgrimage (Hajj) as soon as possible. This is to perform it the first year that one is able to, and likewise for the Lesser Pilgrimage `Umra.

One is entitled to delay it, but if one dies without performing it after having been able to, one dies in disobedience, and it is obligatory to take out the cost for it from the deceased's estate, just as one would do to repay a debt (23.4.3(1)) to pay for someone to make it up on behalf of the deceased (dis: below)).

@21.1.10: Those who send someone on their behalf to perform the Greater Pilgrimage (Hajj):

One may fulfill one's obligation to perform the Greater Pilgrimage (Hajj) by sending someone else in one's stead if;

(a) one is unable to make the journey or the journey would be too arduous on account of chronic illness or old age;

(b) one either has the money to hire someone to go on one's behalf. If one lacks the money but has someone, such as a family member or someone who obeys you by agreeing to perform the rites of Hajj for you at their own expense as a charitable donation.

One may also have someone perform a nonobligatory hajj for one under such conditions.

@21.1.11 Conditions relating to the person who performs the Greater Pilgrimage (Hajj) in one's place:

It is not permissible for someone who has not yet performed his own obligatory Greater Pilgrimage (Hajj):

1. to perform the Hajj for someone else;
2. to perform a nonobligatory Hajj;
3. or to perform Hajj in fulfillment of a vow or as a makeup.

If these conditions exist and the 2nd party does any of the above, then the Hajj counts as being his own obligatory Hajj.

@21.1.12 The order of performing the Greater Pilgrimage (Hajj) (or `Umra) must be:

1. the obligatory Greater Pilgrimage (Hajj) first;

2. then a makeup hajj (def:21.3.14 (c)) if any is due;
3. then a hajj in fulfillment of a vow, if any has been made;
4. and then a Voluntary hajj, or one in another person's place.

If one tries to change this order, for example, by commencing a Hajj with the intention for a Voluntary performance or a vow when one has not yet made the obligatory Hajj, the intention is invalid, and the Hajj counts the fulfillment of the obligatory one.

The same is true for the other types. The sequential order given above must be followed

@21.1.13 Ways in which to perform the Greater Pilgrimage (Hajj):

It is permissible to enter Pilgrim Sanctity (ihram) with the intention for any of four ways of performing the Greater Pilgrimage (Hajj), which are, in order of superiority:

1. Greater Pilgrimage (Hajj) before the Lesser Pilgrimage (`Umra) (ifrad);
2. `Umra first (tamattu');
3. Hajj and `Umra simultaneously (Qiran);
4. and the unconditional intention to perform Hajj and `Umra (itlaq).

@21.1.14 The Greater Pilgrimage (Hajj) before the Lesser Pilgrimage (`Umra) (Ifrad)

The Greater Pilgrimage (Hajj) before the Lesser Pilgrimage `Umra) (ifrad) means to enter state of Pilgrim Sanctity (ihram) for Hajj first. That is before subsequently entering ihram for `Umra at the ihram site for people from one's country (21.2). Then, after having completed one's Hajj to go outside the Sacred Precinct (Haram) and enter ihram for `Umra. There is no special place for the second ihram. It is sufficient to go to the nearest place outside of the Sacred Precinct for this ihram of `Umra. Generally speak, pilgrims go to the Mosque of Lady Ayesha – may Allah be well pleased with her – because it is close.

@21.1.15 The Lesser Pilgrimage (Umra) first (Tamattu')

'Umra first (tamattu') means to perform the Lesser Pilgrimage (Umra) first. This is perhaps the easiest and most practical way to perform Hajj in our times, since one does not have to remain in the state of Pilgrim Sanctity (ihram) throughout the week or more that one is generally there between the initial `Umra and subsequent Hajj. This is performed by:

- (a) entering ihram for it from the ihram site for people of one's own country;
- (b) during the hajj months (def:21.1.19);
- (c) after finishing the `Umra by performing Hajj within the same year from Mecca.

This means to intend Hajj from Mecca by entering ihram there. However, if one wishes to be relieved from the necessity to return to the ihram site of the people of one's county then a sacrifice of expiation is obligated see 21.12.6(1). If one returns to the designated site to enter ihram for Hajj, there is no obligation to make a sacrifice and one's ihram is valid.

It is recommended to enter ihram for Hajj on 8th Thul Hijja if one is performing 'Umra first (tamattu') and has an animal to slaughter. However, if one does not have an animal, one enters ihram on 6th Thul Hijja this is because one's three day expiatory fast in place of slaughtering (21.12.6(I)) takes place before standing at 'Arafa because in the Shafi'i school, being in ihram for Hajj is obligatory during these three days of fasting.

In the Hanafi school, these days may be fasted before entering ihram for Hajj, after one's 'Umra so one fasts on the 6th, 7th and 8th day of Thul Hijja, but not on the Day of 'Arafa' which is the 9th. If one was unable to fast on the 6th it is obligatory to fast on the Day of Arafa. If one does not fast it, it is a sin and the delayed fast must be made up as its obligatory time is before the Day of 'Arafa.

One enters ihram for Hajj in Mecca from the door of one's lodgings. Thereafter one proceeds in a state of ihram to al-Masjid al-Haram as a Meccan would to perform a farewell circumambulation (tawaf al-wada'. def: 21.11.2) of the Ka'ba, which is desirable (mustahabb) for non-Meccans who are leaving Mecca to go to 'Arafa.

For Meccans, the farewell circumambulation is obligatory when leaving Mecca, even for a short distance.

@21.1.16 The Greater Pilgrimage (Hajj) and the Lesser Pilgrimage ('Umra) performed simultaneously (qiran):

"The Greater Pilgrimage (Hajj) and the Lesser Pilgrimage ('Umra) simultaneously (qiran)" means to enter the state of Pilgrim Sanctity (ihram) intending both the Hajj and 'Umra at the ihram site for people of one's country, and then perform only the rites of Hajj, thereby one does not perform an additional circumambulation or a second going between Safa and Marwa (def:21.6), but rather once is sufficient to fulfill the obligation of both Hajj and 'Umra. This is because the actions of the 'Umra have been incorporated into the actions of the Hajj.

The author mentions a second way of performing Hajj and 'Umra simultaneously (qiran) saying:

Or, in the months of Hajj, the person may enter ihram first for 'Umra, and then before beginning his circumambulation, even if only by a single step, incorporates into his intention for 'Umra the intention to perform Hajj.

@15.1.17 The obligation to slaughter or fast for those performing the 'Umra first (tamattu') or the Greater Pilgrimage (Hajj) or the Lesser Pilgrimage ('Umra) simultaneously (Qiran):

A Person performing the Lesser Pilgrimage ('Umra) first (tamattu') or performing the Greater and Lesser Pilgrimage (Hajj and 'Umra) simultaneously (qiran) is obligated to slaughter (def:13.2.5) or to fast, as mentioned below.

There is no obligation upon a person to sacrifice if the person performing Hajj and `Umra simultaneously (qiran) lives within the Sacred Precinct (Haram) or within 81 km./50 miles radius. The same applies to the person performing `Umra first (tamattu') who returns to the ihram site for people of his country after having performed his `Umra to enter ihram for Hajj, or lives within 81 km./50-miles of the Sacred Precinct.

If one is performing `Umra first (tamattu') or Hajj and `Umra simultaneously (qiran)) there is an obligation to sacrifice but:

1. lacks an animal in the Sacred Precinct (Haram), which is the place of the obligation to sacrifice, "lacks" meaning absolutely, as when there is not an animal available that meets sacrifice specifications (def:21.14.2));
2. or there is an animal, but one lacks its price, or has the price but needs the money for expenses and the like;
3. or finds that it is being sold for more than the normal price for that locality and time;

then one must fast three days of the Hajj. In the Shafi'i school, it is insufficient to fast them before the Hajj. In the Hanifa school it is permissible to fast them before the Hajj when performing the `Umra first (tamattu'), fasting them after having finished the initial `Umra and before entering ihram for Hajj. It is recommended that these days be before the Day of 'Arafa, time permitting, as when one fasts from 1 Thul Hijja after having entered ihram for Hajj.

It is unlawful to delay these fast-days till after the Day of `Arafa, and one must fast seven additional days after returning home which makes a total of ten fast-days.

The time for current performance of the three fast-days ends after the Day of `Arafa and it is not permissible to fast any of them on either the day of `Eid-al-ATHa or on the three days following Eid. If one delays them, it is obligatory to make them up before the other seven fast-days, by an interval between the three and seven fast-days equal to the interval that would have separated them had they been a current performance, which is the time taken by the trip from Mecca to home, plus the four days equal to the `Eid and the three days that follow.

@21.1.18 Unconditional intention to perform the Greater Pilgrimage (Hajj) and ('Umra) the Lesser Pilgrimage, (itlaq)

The unconditional intention to perform the Greater Pilgrimage (Hajj) and ('Umra) the Lesser Pilgrimage (itlaq) means to intend entering into the performance of rites without specifying at the time of ihram that it is for Hajj, `Umra or Hajj and `Umra simultaneously (qiran). After this, one may use it as one wishes which means to perform Hajj only, `Umra only, or Hajj and `Umra simultaneously (qiran). However, one may not use the unconditional intention as a way to perform `Umra first (tamattu') without having to either return to the ihram site to enter ihram for Hajj, or to sacrifice or fast (def :1.17).

@21.1.19 Time of year to enter the State of Pilgrim Sanctity (ihram) for the Greater Pilgrimage (Hajj) or the Lesser Pilgrimage ('Umra):
It is not permissible to enter the state of Pilgrim Sanctity (ihram) for the Greater Pilgrimage (Hajj) other than during its months, namely, Shawwal, Thul Qa'da, and the first ten nights of Thul Hijja with their days.

If one enters ihram for Hajj during non-Hajj months, one's ihram counts for 'Umra. Entering ihram for 'umra is valid at any time of the year except for a person on Hajj encamped at Mina for stoning (def:21.10).

@*Chapter 21.2.0: SITES FOR ENTERING THE STATE OF PILGRIM SANCTITY (Ihram)

@21.2.1

The sites for entering the State of Pilgrim Sanctity (ihram) for the Greater Pilgrimage (Hajj) or the Lesser Pilgrimage ('Umra) are as follows:

1. pilgrims going to Hajj from the West by plane must either enter ihram before boarding the plane, or during the flight before the plane passes the airspace (def:21.2.3) of the city of Rabigh, on the western coast of the Arabian Peninsula, which is generally announced on the plane;
2. Medina residents, or those travelling through Medina to Mecca enter ihram at Thul Hulayfa;
3. residents of the Syria-Palestine region, Egypt and North Africa enter ihram at al-Juhfa;
4. residents of al-Tihama in Yemen enter ihram at Yalamlam;
5. residents of Najd of Yemen, and the Najd of the Hijaz enter ihram at Qarn;
6. and residents of Iraq and Khurasan enter ihram at That 'Iraq, preferably at al-'Aqiq.

@21.2.2 Someone in Mecca, even if only passing through, enters the State of Pilgrim Sanctity (ihram) for the Greater Pilgrimage (Hajj) in Mecca, and for the Lesser Pilgrimage ('Umra) must go to the nearest place outside of the Sacred Precinct (Haram). The best place being al-Ji'rana, then al-Tan'im, and then al-Hudaybiya.

Someone residing closer to Mecca than the ihram site is to Mecca should enter ihram for Hajj or 'Umra at his residence.

@21.2.3 Coming by a route without a Pilgrim Sanctity (ihram) site:

When coming by a route lacking a Pilgrim Sanctity (ihram) site, one enters ihram when parallel with the ihram site that is nearest either on the left or right side

@21.2.4 For someone residing farther from Mecca than the Pilgrim Sanctity (ihram) site it is best for him to enter ihram at a superior site rather than entering ihram at his own residence.

@21.2.5 THE EXPIATION FOR NEGLECTING TO ENTER IHRAM AT THE PROPER SITE:

If someone who intends to make the Greater Pilgrimage (hajj), the Lesser Pilgrimage (ʿumra) or both and passes by the Pilgrim Sanctity (ihram) site either intentionally, absentmindedly, or in ignorance of it, and then enters ihram somewhere closer to Mecca he is obliged to sacrifice (21.12.6(I)). However, if he returns to the proper site and enters ihram there before having performed a single rite there is no obligation upon him to sacrifice.

@*Chapter 21.3.0: Ihram (The State of Pilgrim Sanctity)

@21.3.1 Measures recommend prior to the State of Pilgrim Sanctity (Ihram)

When one wishes to enter the state of Pilgrim Sanctity (ihram), it is recommended (even for a menstruating woman) to perform the purifying bath (ghusl), with the intention of bathe for ihram. If there is a limited supply of water, then one performs ablution (wudu). It is also recommended to shave pubic hair, pluck the underarms, clip the mustache, trim nails, cleanse oneself of dirt, and wash the head.

@21.3.2 Obligatory measures before entering the State of Pilgrim Sanctity (ihram)

Male pilgrims:

- (a) take off any sewn garments;
- (b) put on a clean white mantle (rida') which is the rectangular piece of cloth worn over the shoulders that covers the upper body of a man in ihram and a wraparound (izar) which is the cloth worn around the lower body, and sandals that expose the toes and heels. If one wears enclosed sandals then there is an obligation to sacrifice (21.12.6(II));
- (c) it is recommended to perfume the body, but not one's clothes.

Women pilgrims:

The above measures (21.3.1) apply equally to women, although women do not divest themselves of sewn garments and do not use perfume. It is obligatory for women to cover all of her body except the face and hands as she would do for prayer.

It is recommended but not obligatory that she dye her hands and face with henna.

All of the foregoing are done before entering ihram.

@21.3.3 Entering the State of Pilgrim Sanctity (ihram)

One then prays two units of prayer (rak'as), provided it is not a time when the prayer is forbidden (def:14.13), intending the Prophetic practice of ihram. It is

Prophetic practice to recite al-Kafirun (Koran 109) in the first rak'a and al-Ikhlās (Koran 112) in the second.

Then one rises to start travelling to Mecca. As soon as one begins travelling to Mecca, one has entered ihram.

Ihram, which is an integral of the Greater Pilgrimage (hajj) and the Lesser Pilgrimage ('umra) is the intention to enter into the performance of the rites of hajj, 'umra, or both which is called qiran. The intention is made in one's heart to either perform the Hajj for Allah, the Most High, or to perform 'umra, or both together if one wants to perform them simultaneously (qiran). It is recommended that one also pronounce this intention with the tongue.

@21.3.4 Chanting "Labbayk" meaning "Obedient to you Allah, with happiness" [as reply for Prophet Ibrahim's first call for Hajj.]

Then one chants "Labbayk" three times, meaning by raising the voice sufficiently to be able to hear oneself. For the duration of the time one is in the State of Pilgrim Sanctity (ihram) the voice is raised enough to be audible to those nearby. However, a woman should lower her voice as it is offensive for a woman to do otherwise.

Having chanted the "labbayk" three times one now supplicates in a lower tone for the praise and veneration of the Prophet and asks Allah, the Most High for Paradise, saying, "O Allah, I ask You for Paradise and its blessings." This is followed by asking Allah for His good pleasure and acceptance (ridwan) and seeking refuge in Him from Hell by saying, "I take refuge in You from Your Anger, and Hell." Following this one should ask Allah for whatever one wishes of the good of this world and in the Hereafter.

It is desirable to chant "Labbayk" for the duration of one's ihram, whether standing, sitting, riding, walking, lying down, and even in a state of major ritual impurity (janaba), or for a woman in menstruation.

It is particularly desirable when:

1. changing from one state, time, or place to another, such as when going uphill or down, or getting on or off a vehicle;
2. meeting groups of people;
3. at the approach of dawn, night, or daytime;
4. after prayer;
5. and in all mosques.

However, one does not chant "Labbayk" while circumambulating the Ka'ba or going between Safa and Marwa as these have their own particular supplications.

It is undesirable to stop chanting it in order to speak, though if someone greets one with "as-Salamu 'alaykum," it is recommended, but not obligatory to return his greeting.

When one sees something that is either pleasing or displeasing when one is in the State of Pilgrim Sanctity (ihram), it is recommended to say, "Ever at Your service, truly, the real life is the life of the Everlasting life". If would sees such things when not in ihram then one says, "O Allah, truly, the real life is the life of the Everlasting life," without saying "Labbayk."

@21.3.5 Things that are unlawful while in the State of Pilgrim Sanctity (Ihram)
Once a person has entered the State of Pilgrim Sanctity (ihram) five things become unlawful to that person (dis:21.12.6). They are:

1. Sewn garments on men (dis: 21.3.6);
2. usage of perfume (21.3.7);
3. cutting/shaving hair or cutting nails (21.3.8)
4. sexual intercourse or foreplay (21.3.13);
5. hunting (21.3.21).

@21.3.6 Sewn garments on men

The first thing unlawful in the State of Pilgrim Sanctity (ihram) is wearing sewn clothing such as shirts, trousers, moccasins (khuff, def: 20.6) and anything else that is sewn, and anything that encircles the body by being woven or felted together and their like. However this does not include a patch on one's mantle or wraparound.

It is unlawful for a man to cover his head with anything sewn or unsewn, for example a hat, cloth bandage or a blanket while sleeping.

It is permissible while in ihram to carry a sewn bag or the like, or to carry a basket on one's head, however, if it is intended a head-cover, it is unlawful. It is permissible to carry a parasol held in the hand for protection against the sun.

It is not permissible of fasten one's mantle by tucking part of it through a hole, tying it together, passing a string though one end and then the other, or by tying a string to each of the two ends. However, it is permissible to fasten it together with safety pins.

It is permissible to tie one end of one's wraparound to the other, or tie a string over it so that it holds it fast, like a drawstring, and one may likewise use a waistband. Thee reason for the permissibility of tying the wraparound but not the mantle being that if the wraparound were to fall it would reveal one's nakedness. Safety pins are permissible to fasten the wraparound, and are useful to make pleats at the waistline by safety-pinning two or three tucks of cloth there to gather the wraparound at the waist and leave more freedom of movement for the legs below. A belt may also be used to hold one's wraparound at the waist.

@21.3.7 Perfume

The second thing that is unlawful after entering the State of Pilgrim Sanctity (ihram) is using perfume, such as musk, camphor, or saffron on one's clothing, body, or bedding. It is also unlawful to smell roses, or bedding. It is also unlawful to smell roses, violets, lilies, or anything fragrant or to sprinkle rose water or flower water about; or to use scented oils, scented soap no matter whether to smell them or to apply them to any part of the body.

It is also unlawful:

1. to apply unscented oils like olive, sesame, and their like to the beard or scalp, unless one is bald, in which case it can be used on the skin of the head. However, it is permissible to smell them or apply them to any part of the body except the hair of the head and face;
2. to eat food in which the use of a cosmetic is manifest, whether in taste, color, or scent, such as the scent of rose water, the color of saffron or its taste, or the taste of ambergris in cooked grain and the like;
3. to use scented perspiration deodorant or eyeliner.

@21.3.8 Removing hair or nails

The third thing that is unlawful and applicable to both men and women while in the State of Pilgrim Sanctity (ihram) is that if one deliberately or unintentionally

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does any of the following whilst knowing it to be unlawful when one has entered ihram:

1. cutting or plucking hair, i.e. removal by any means, even if only part of a single hair (by shortening it), and whether from the head, underarms, pubes, moustache, or any other part of the body. The obligatory expiation for one hair is to give 0.51 liters of food to the poor in Mecca, and for two hairs, twice that amount. For three or more, a full expiation (21.12.6(ii)) is obligatory;
2. clipping finger or toenails, even if only part of one is subject to the preceding expiation.

@21.3.9 Expiation for violating the conditions of the State of Pilgrim Sanctity (ihram)

It is necessary to sacrifice a shah (13.2.5) or perform one of the other alternatives mentioned below at 21.12.6(II) when one is in the State of Pilgrim Sanctity (ihram) and one:

1. uses perfume;
2. wears a prohibited garment (21.3.6) ;
3. removes three or more hairs, fingernails, or toenails (21.12.6(II)(1-2)) ;
4. touches another person with desire in a non-genital area;
5. or applies unscented oil to one's hair (dis:21.3.7).

@21.3.10 A person who is obligated to fulfill an expiation may do so in any of the following ways:

1. by sacrificing a shah (13.2.5) and distributing its meat to the poor and those short of money in the Sacred Precinct;
2. by distributing 6.09 liters of food (13.7.6) to the poor in charity, giving 1.015 liters to each person;
3. or by fasting three days. The fast can be on nonconsecutive days.

@21.3.11 Accidentally removing a hair

It is unlawful for a person in the State of Pilgrim Sanctity (ihram) to comb his beard or hair, or run his fingers through his hair if he knows that hair will be pulled out.

When a man runs his fingers through his beard or washes his face and notices hair in his hand and knows it was pulled out during the process, an expiation (def:21.12.6(II)) must be paid. However, if he knows that it came out by itself, or does not know whether it did or not, then there is no obligation to expiate.

@21.3.12 The following things necessitate the expiation (21.12.6(II)). However, if they are done out of necessity they are not unlawful:

1. having to cut one's hair because of illness, heat, or lice;
2. having to wear something sewn because of intense heat or cold;
3. or having to cover one's head.

@21.3.13 Sexual intercourse or foreplay:

The fourth thing unlawful while in the State of Pilgrim Sanctity (ihram) is sexual intercourse or touching a non-genital area with sexual desire, such as kissing, hugging, or touching lustfully.

@21.3.14 If one intentionally has sexual intercourse before finishing one's Lesser Pilgrimage ('umra), or while on the Greater Pilgrimage (Hajj) before partial release from ihram (21.9.13), then:

- (a) this nullifies the Hajj or 'umra;
- (b) it is nonetheless obligatory to complete the Hajj or 'umra from the point at which it was spoiled to the end;
- (c) it is obligatory to make it up as soon as possible, even if the spoiled Hajj or 'umra was voluntarily
- (d) and it is obligatory for a male to pay the expiation (below). However, it is not obligatory for a female although it is a sin if she willingly participated. The most reliable position is that if a woman was unwilling then none of (a), (b), (c) or (d) apply. However if she was willing then (a), (b) and (c) apply but not (d).

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@21.3.15 Expiation for intentional sexual intercourse

The expiation for the above (21.3.14) is to immediately sacrifice and distribute to the poor of the Sacred Precinct:

1. a camel i.e. a male or female that meets sacrifice specifications (21.14.2)), but if this is not possible within the days of that the Greater Pilgrimage (Hajj), then one must sacrifice:
2. a cow, but if not possible, then:

3. seven shahs (13.2.5). If not possible, then:
4. one estimates the cost of a camel and how much food (13.76) this would buy, and then give that much food to the poor in Mecca. If this is not possible, then:
5. one fasts one day for every 0.51 liters of food, that would have been given had (4) been done. One may fast anywhere, but it is not permissible to delay it without an excuse.

@21.3.16 A person making up the Greater Pilgrimage (Hajj) or the Lesser Pilgrimage ('umra) nullified by sexual intercourse must enter the State of Pilgrim Sanctity (ihram) for the makeup Hajj or 'umra at the same ihram site as the original nullified Hajj or 'umra. However, if one entered ihram for it at a location closer to Mecca than the ihram site (dis: 21.2.5), one must enter ihram for the makeup at the prescribed site for those of one's country.

@21.3.17 When someone in the State of Pilgrim Sanctity (ihram) intends to make up a nullified Greater Pilgrimage (Hajj) is accompanied on the makeup Hajj by the wife he made love to, he is recommended to separate himself from her while they are at the place where they had intercourse. The makeup counts as the original Hajj or 'umra. If the makeup was for the obligatory Hajj it counts as such, and likewise the Voluntary or to fulfill a vow

@21.3.18 Intercourse after partial release from the state of Pilgrim Sanctity (ihram):

If a man has sexual intercourse after partial release from ihram (21.9.13), it does not nullify his Hajj i.e. does not entail 21.3.14 (a,b,c,d). However, he must pay an expiation of the type discussed at 21.12.6(II).

@21.3.19 If one has sexual intercourse absentmindedly i.e. forgetting that one is in the State of Pilgrim Sanctity (ihram) or out of ignorance of its prohibition, or because of being forced, then there is no obligation, i.e. none of 21.3.14(a,b,c,d).

@21.3.20: Prohibition of marrying while in the State of Pilgrim Sanctity (ihram): It is unlawful to marry when in the State of Pilgrim Sanctity (ihram), or to marry someone to another (zawwaja, def: 17.3.2(a)) this applies not only to whether one does so oneself but also through an agent.

If one does so, the marriage contract is invalid. It is offensive while in ihram to get engaged to marry, or to serve as a witness for a marriage contract.

@21.3.21 Hunting:

The fifth thing that is unlawful while in the State of Pilgrim Sanctity (ihram) is:

1. to kill any wild game that may be eaten by Muslims;
2. or to kill the offspring of game animals that may be eaten by Muslims and game animals that may not be eaten by Muslims.

If such an animal dies in the hands of a person in ihram, or is injured, or destroyed by a person's acts then it is obligatory for such person to pay the expiation (below).

@21.3.22 Expiation for hunting:

If the animal killed has a domestic equivalent, page 320
one may fulfill the expiation in any of the following ways:

1. to sacrifice a head of domestic livestock similar to the killed wild animal. This means an approximation, not actual resemblance. The criterion is the condition of the animal, not its value. One expiates a game animal that was, for example, large, small, healthy, diseased, fat, thin, or defective, with a head of livestock of the same description and likeness.

It is a necessary condition that the wild animal and the head of livestock share, if the animal was defective, the same type of defect, such as blindness however, it is permissible, indeed superior, to pay a healthy one for a defective one or a whole one for one that is lacking some part;

2. to estimate the value of the like head of livestock, and distribute an equal value of food (22.7.6) to the poor;

3. or to fast one day for every 0.51 liters of food that would have been bought had (2) been done.

@21.3.23 If the animal killed does not have a domestic equivalent, then one may fulfill the expiation in any of the following ways:

1. to distribute funds to the poor which equal the value of the game animal, although if the animal was a pigeon, one is obliged to sacrifice a shah (13.2.5);
2. to buy food equal to the animal's value and distribute it as charity;
3. or to fast one day for each 0.51 liters of food that would have been bought had (2) been done.

@21.3.24 Women in the State of Pilgrim Sanctity (ihram):

With the exception of not being able to wear sewn clothing (21.3.6) and the covering of the head all the prohibitions relating to men apply to women in the state of Pilgrim Sanctity (ihram).

A woman, however, may not veil her face in ihram (dis: (21.12.6(II(3))). If she wants to conceal her face, she may drape something in front provided it does not touch her face such as a veil worn over a cap's visor, although if it touches it without her intention, it is of no consequence.

@21.3.25 It is permissible when in the state of Pilgrim Sanctity (ihram) to scratch one's head or body with one's fingernails as long as this does not remove any hair. It is also permissible in ihram to kill lice or other insects harmful to humans. However, if one kills a louse, it is recommended to expiate its death by giving charity, even if it is only a single bite of food.

@*Chapter 21.4.0: ENTERING MECCA

@21.4.1 It is recommended when one wants to enter Mecca:

1. to perform the purifying bath (ghusl) outside of the city with the intention of entering Mecca;
2. to enter in the daytime, and from the Mu'alla gate of Thaniyyat Kada' which is a pass from the direction of Jeddah;
3. to walk barefoot, provided one does not apprehend something unclean (najasa);
4. not to annoy anyone by jostling;
5. and after entering, to proceed to al-Masjid al-Haram.

@21.4.2 When one first sees the Ka'ba:

When one first sees the Ka'ba, it is recommended to lift the hands and say: "O Allah, increase this House in nobility, honor, reverence, and dignity. Increase those going on the Great Pilgrimage (Hajj) or the Lesser Pilgrimage ('umra) who honor and reverence it in honor, and piety. O Allah, You are Peace, the Source of Peace. O Lord, raise us after death in peace." And then one asks Allah for whatever one wishes of religious matters or those of this world.

@*Chapter 21.5.0: CIRCUMAMBULATING THE KA'BA (Tawaf)

@21.5.1 Before getting one's luggage and find a place to stay, rest or to eat one should enter al-Masjid al-Haram from the door of Bani Shayba and circumambulate the Ka'ba. It is Prophetic practice to enter from the gate of Bani Shayba.

The entering of al-Masjid al-Haram can be taken in turns whilst other in your party remain with the luggage.

The arrival circumambulation (tawaf alqudum) is desirable for anyone who enters al-Masjid al-Haram, whether or not they have entered the State of Pilgrim Sanctity (ihram).

@21.5.2 How to circumambulate the Ka'ba:

Prior to circumambulating the Ka'ba one proceeds to the Black Stone next to the door of Ka'ba door, on the east corner, drawing near to it, if one can do so without hurting others by jostling.

One then faces the Black Stone, places the hand on it, and without a word, kisses the stone thrice and touches the forehead upon it thrice.

Touching, kissing, and placing the forehead on the stone are only Prophetic practice for women when the circumambulation area is vacant, whether in the night or day.

@21.5.3 One ceases to chant "Labbayk" at this point and does not resume its chanting until after having finished both circumambulating the Ka'ba and going between Safa and Marwa (21.6).

One puts the center of the top edge of one's mantle under the right arm and its two ends over the left shoulder so that the right shoulder is left bare (dis: 21.5.13, second paragraph).

One begins circumambulating by first standing facing the Ka'ba with the Black Stone on one's right and the Yamani corner on one's left. One stands back from the Stone a little towards the Yamani corner, that is, behind the black stripe in the marble pavement, extending out from the stone, that marks the beginning of one's circumambulation.

One should intend performing the circumambulation for Allah, the Most High. However, this intention is only necessary for a Voluntary or a departure circumambulation, not for an obligatory or an arrival circumambulation, since the intention to perform the rites of the Greater Pilgrimage (Hajj) or the Lesser Pilgrimage ('umra) (21.3.3) includes the intention for the latter two types of circumambulation.

Then one:

1. places the hand on the Black Stone, and kisses it and places the forehead on it thrice, as mentioned above. It is done again here to begin the circumambulation, just as it was done before circumambulation (21.5.2));
2. says "Allahu akbar" three times;
3. and adds, "O Allah, believing in You and to affirm Your Book, fulfill Your covenant, and follow the Prophetic practice of Your Prophet Muhammad - may Allah venerate him and give him peace."

@21.5.4 As one passes in front of the Black Stone it is recommended to move sideways to the right so that one's body faces the Black Stone. Having passed the Black Stone, one then turns so that the Ka'ba is on one's left and then proceeds to circumambulate it. However, if one did this and kept the Ka'ba on one's left while passing the Black Stone from the beginning and neglected to face the Black Stone, it would likewise be permissible.

@21.5.5 At the door of Ka'ba one says, "O Allah, in truth this House is Your House, the Sanctuary Your Sanctuary, the safety Your safety, and this is the station of he who took refuge in You from fire". "Station" meaning the Station of Abraham. However, some hold the words mean "he who takes refuge," alludes to oneself.

@21.5.6 When one reaches the corner by the opening of the Hijr which is a semicircular wall that stands apart from the Ka'ba, one says, "O Allah, I take refuge in You from doubt, from ascribing partners to You, from discord, hypocrisy, evil traits, and from bad turns of fortune in money, spouse, and children."

@21.5.7 When parallel with the rainspout called the Spout of Mercy (Mizab al-Rahma), at the top of the Ka'ba, one says: "O Allah, shade me in Your shade on a day when there is no shade but Yours. Give me to drink from the cup of Your Prophet Muhammad - may Allah venerate him and give him peace , a wholesome drink after which I will never thirst."

@21.5.8 Between the third corner and the Yamani corner, one should say, "O Allah, make this a pious hajj, a rewarded effort, an accepted work, and a transaction that will never perish, O All-powerful and All-forgiving."

@21.5.9 When one reaches the Yamani corner, one does not kiss it, but touches it and then kisses one's hand.

@21.5.10 Except for the Black Stone, one does not kiss any of the Ka'ba, this means that it is not required, although if one kisses any part of it, it is not offensive, rather it is good. Neither does one touch any of it except the Yamani corner, which is the corner before the Black Stone.

@21.5.11 When one reaches the Black Stone, one has completed a single round provided its conditions (21.5.16) have been met.

@21.5.12 One goes around the Ka'ba seven times ending at the point where one began, at the Black Stone. One's circumambulation is incomplete as long as a person is short in the seven round even one span, remaining to be walked from where he has started, parallel to the stone.

@21.5.13 Trotting for the first three rounds
It is Prophetic practice in the first three rounds of circumambulation to hasten one's pace if one can do so without harming others, by taking close steps as in trotting (ramal) but not running. This is desirable for men only and not for women.

Both trotting and baring the right shoulder (def:21.5.3) are only necessary in the circumambulations that are followed by going between Safa and Marwa (def:21.6).

If one wishes to go between Safa and Marwa after one's arrival circumambulation, then one does the two Prophetic practices, both trotting and baring the shoulder at this point, but when one later performs one's going-forth circumambulation (tawaf al-ifada, def: 21.9.10), one does not do these two Prophetic practices because that circumambulation is not followed by going between Safa and Marwa when one has already gone between.

But if one wishes to go between Safa and Marwa after the going-forth circumambulation, which is superior, then one postpones the two Prophetic practices of trotting and baring the shoulder until then.

While trotting, one says, "O Allah, make this a pious Hajj, a rewarded effort, and forgive my sins."

In the last four rounds of one's circumambulation, it is Prophetic practice to proceed at one's normal pace, while saying: "My Lord, forgive me, have mercy on me, and pardon that which You know. Indeed, You are the All-powerful and the Most Generous. Our Lord, give us what is good in this world and the next, and keep us from the punishment of Hell." This supplication is particularly recommended in the odd-numbered rounds of the circumambulation as they are superior.

Reciting the Koran while circumambulating is better than making supplications that have not reached us through prophetic Prophetic Quotations (Ahadith), although supplications from Prophetic Quotations (Ahadith) are superior to reciting the Koran during the circumambulation.

@21.5.14 It is recommended to kiss the Black Stone in each round and to place the forehead on it, each three times and to touch the Yamani corner, particularly in the odd-numbered rounds.

If it is not possible to kiss the Black Stone because of crowds or because one fears hurting people or that one may be hurt by jostling, one may touch it with one's hand and then kiss the hand.

If this is not possible, one may touch it with a stick, or the like, such as a scarf, and kiss the stick.

If this too is impossible, then one points to it or the Yamani corner with the hand and it is Prophetic practice to kiss one's hand.

@21.5.15 A noteworthy detail here is that there is a buttress at the base of the Ka'ba that resembles a ledge and slide. It is part of the Ka'ba, and when one kisses the stone, one's head is in the space above the buttress. So one is obligated to keep one's feet motionless until one finishes kissing the stone and straightens up, after which one continues circumambulating. One may not move one's feet as part of the circumambulation while one's head is within the space above the buttress, as it nullifies that particular round because of the condition (dis: 21.5.16(j)) that circumambulation be done around the Ka'ba, and not within its confines.

If, when leaning over to kiss the Black Stone, one's feet move even a finger's width towards the Ka'ba's door, and after this, one continues circumambulating, then that particular round does not count nor do the others that come after it, if one limits oneself to just those seven rounds, considering the spoiled one as a valid round. But if one adds an extra round to make up for the invalid one, then one's circumambulation is valid.

It is more precautionary when one has straightened up from kissing the Black Stone, to step back to the left towards the Yamani corner (21.5.2) enough to ensure that one is where one was before kissing the Black Stone. The same is true of touching the Yamani corner with one's hand.

@21.5.16 Conditions of a valid circumambulation:

The conditions of a valid circumambulation of any kind, obligatory or nonobligatory are:

- (a) that one's nakedness (14.5.3) be clothed, because the round is invalid whenever any of one's nakedness is intentionally shown, this includes even a single hair of a woman's head. If such occur during a round that round becomes invalid and must be repeated. If such happened inadvertently and the woman *immediately, without any delay*, covered the hair, then the round is not invalidated;
- (b) ritual purity from minor (hadath) and major (janaba) impurity. Hanafis permit the touching of a marriageable member of the opposite sex therefore the ablution of those who follow this school of jurisprudence is not nullified (Maraqī al-falqh sharh Nural-idah (y-126), 17), and considering the difficulty of avoiding this ablution nullifier during Hajj taking these dispensations would appear to be a virtual necessity;
- (c) to be free from impure substances (najasa) on one's person, clothing, and the place of walking while circumambulating;
- (d) that it take place within al-Masjid al-Haram;
- (e) that one's circumambulation comprise seven full rounds;
- (f) that it begin from the Black Stone, as described above, and that one pass by all of the Black Stone with all of one's body facing it. If one begins the circumambulation from another part of the Ka'ba then one must know that the circumambulation is not counted from that point as the circumambulation starting point is at the Black Stone;
- (g) that one keep the Ka'ba on one's left and move towards the door (21.5.2);
- (h) that each round be outside of the Hijr, such that one does not enter the opening between the Hijr and the Ka'ba and then exit through the other opening;
- (i) and that all of the body of the person circumambulating be exterior to all parts of the Ka'ba, such that while walking around it, one does not put one's hand in the space above the buttress previously mentioned (21.5.15), which violates the condition of being wholly outside all of the Ka'ba while making one's rounds.

@21.5.17 Everything other than the above conditions is Prophetic practice, meaning not obligatory, such as trotting in the first three rounds, the various supplications, and the other things previously mentioned.

@21.5.18 Two units of prayer (rak'as) after circumambulation:

When one has finished circumambulating, and after putting one's mantle over both shoulders, it is recommended to pray two units of prayer (rak'as) for the Prophetic practice of circumambulation.

It is best to perform them behind the Station of Abraham (21.5.2). In the first rak'a, one recites al-Kafirun (Koran 109), and in the second, al-Ikhals (Koran 112).

After this, one supplicates Allah.

If it is not possible to make the two raka's behind the Station of Abraham then one may perform the two rak'as, in order of the places of superiority, in the Hijr al-Masjid al-Haram, the Sacred Precinct, or whenever and wherever one wishes to pray them, and they remain a current performance until the day one dies.

It is Prophetic practice to recite the chapters aloud in these two rak'as if performed at night, and to recite them to oneself if performed during the day. It is desirable to make the supplication related by Jabir, who said that the Prophet - may Allah venerate him and give him peace - prayed two rak'as behind the Station of Abraham and then said:

"O Allah, this is Your city, and Your sanctuary (Haram), and Your inviolable House, and I am Your worshipper, the son of Your male worshipper and female worshipper. I have come to You with many sins, mistakes, and wicked acts, and this is the Station of him who took refuge in You from the fire; so forgive me, indeed You are the All-forgiving and Merciful. O Allah, You have called Your worshippers to Your inviolable House, and I have come, asking for Your mercy and seeking what pleases You, and You are the Rewarder, so forgive me and have mercy on me, indeed You have power over all things".

Then one returns to the Black Stone and touches it, kisses it, and bows one's head upon it.

@*Chapter 21.6.0: GOING BETWEEN THE HILLS OF SAFA AND MARWA (Sa'y)

@21.6.1 On Hajj prior to 'Arafa

Then it is recommended to exit through the Safa door of al-Masjid al-Haram if one wishes to immediately perform the going (saiy) between Safa and Marwa. It is necessary for the validity of going between Safa and Marwa for the Greater Pilgrimage (Hajj) prior to the Day of 'Arafa that one do so after one's arrival circumambulation (tawaf al-qudum). However, though one may not do so on an 'umra first (tamattu') Hajj, for which the initial circumambulation and going between Safa and Marwa are part of one's 'umra (dis: 21.12.2(c)), nor should one do so after a Voluntary or farewell circumambulation. One may postpone it until after the going-forth circumambulation (tawaf al-ifada, def: 21.9.10) (which is superior).

@21.6.2 How to go between Safa and Marwa

One begins from Safa.

It is recommended:

1. for men, but not for women to climb Safa the height of a person, so that one can see the Ka'ba through the Mosque's door, and to face the Ka'ba;
2. to say: "La ilaha illa Llah, Allahu akbar," and "There is no god except Allah alone, without partner. His is the dominion, His is the praise, He gives life and causes to die, all good is in His hand, and He has power over everything. There is no god except Allah alone, without partner. He kept His promise, gave His worshipper the victory, and routed the Confederates alone. There is no god except Allah. We worship none but Him making our religion sincerely for Him, though unbelievers are averse";
3. to supplicate for whatever one wishes because it is one of the places where prayers are answered. 'Umar, may Allah be pleased with him, used to supplicate lengthily here;
4. and to repeat (2) and (3) a second and third time.

@21.6.3 Then one descends from Safa and walks towards Marwa at one's normal pace until within three meters of the first green marker suspended from the left wall. At this point males run whereas women walk until midway to the second green marker, at which midpoint one resumes one's usual pace until one reaches Marwa. One climbs Marwa and repeats the same remembrance as was said at Safa. This is once.

Then one descends from Marwa and returns, walking and running at the proper places, until one reaches Safa. This is twice.

At Safa one repeats the same remembrance and supplication, and then goes back to Marwa, which is three times.

One repeats the process until one has completed seven times, finishing at Marwa.

@21.6.4 Obligatory elements of going between Safa and Marwa

There are four obligatory elements that validate the going between Safa and Marwa:

- (a) to begin at Safa. If one begins at Marwa and walks to Safa, this does not count because the point of commencement starts at Safa.
- (b) to go the entire distance. It would be invalid if one neglected even a single span or less of the distance. One must begin by putting one's heel against the wall at Safa, and finish at Marwa by putting the toes against the wall there. The course has now been enlarged and paved so that one's going between them is complete without having to reach the walls that are currently there. Rather, between the two sides of the paved track, the lanes for going and coming, there

is a smaller track for wheelchair pilgrims, and the ends of this smaller track currently represent the minimal distance;

(c) to complete seven times: from Safa to Marwa equals one, from Marwa to Safa is another one, and so on, as mentioned above. If doubts arise as to the number of going between, then one assumes the least number of which one is certain i.e. if one is uncertain whether one has gone between 5 times but is sure that 4 have been completed then one continues the count from 4 and completes the rest. The same applies when one is circumambulating Ka'ba. However, if doubts arise after finishing, one need not do anything;

(d) and that going between Safa and Marwa take place after the going-forth circumambulation (tawaf al-ifada, def: 21.9.10) or else after one's arrival circumambulation, provided that standing at 'Arafa does not intervene between the arrival circumambulation and going between Safa and Marwa (dis: 21.6.1).

@21.6.5 Prophetic practices of going between Safa and Marwa

The Prophetic practices of going between Safa and Marwa are those previously mentioned (21.6.2-3), to have ablution (wudu), that one's nakedness (14.5.3) be clothed, and to say while between Safa and Marwa:

"My Lord, forgive, have mercy on me, and overlook that which You know. In truth, You are the Most Powerful and Generous. O Allah, our Lord, give us what is good in this world and the next, and protect us from the punishment of Hell."

If one recites the Koran while going between them it is better than anything besides the remembrance that have reached us in Prophetic Quotations (Ahadith) mentioned above, which are preferable during this time to reciting the Koran.

@21.6.6 It is not recommended to repeat going between Safa and Marwa.

@*Chapter 21.7.0: THE WAY TO 'ARAFAT

@21.7.1 On 7 Thul Hijja it is recommended for the Imam to give a sermon after the noon prayer (zuhr) in Mecca at the Ka'ba in which he instructs the pilgrims about the rites they will soon perform, and orders them to go forth on the following day, that is the morning of the 8th to Mina.

@21.7.2 The imam goes forth with them after the dawn prayer (subh) on 8 Thul Hijja.

At Mina, he prays the noon, mid-afternoon, sunset, and nightfall prayers with them after which they spend the night and pray the following dawn prayer there.

When the sun rises over the mountain at Mina that is called Thabir, and the pilgrims then proceed to 'Arafat.

Spending the night and staying at Mina during this time are a Prophetic practice and are not part of the Hajj rites.

If one neither spends the night at Mina nor goes to Mina it does not entail any consequences. Many people no longer follow this Prophetic practice, but come to 'Arafa at the end of the night with lighted candles. The lighting of candles is a disgraceful innovation as is their coming there a day or two before of Thul Hijja which is a mistake that contravenes the Prophetic practice, and through which they miss the blessings of many other Prophetic practices.

@21.7.3 It is Prophetic practice on the way to 'Arafa to say: "O Allah, to You I betake myself, seeking Your noble countenance. Forgive me my sins, make my Hajj a pious one, show me mercy, and do not disappoint me". It is also Prophetic practice to chant "Labbayk ..." make (Thikr) which is the remembrance of Allah, supplicate, and ask Allah for shower blessings upon the Prophet - may Allah venerate him and give him peace , as much as one is able.

@21.7.4 At Namira, which is a place just before 'Arafa, the pilgrims stop, and do not proceed immediately to 'Arafa. When the time for the noon prayer arrives, it is Prophetic practice.

When the pilgrims reach a place called Namira which is just before 'Arafa, they stop, and do not immediately enter 'Arafa. When the time for the noon prayer comes, it is Prophetic practice for the imam to give two sermons before the prayer. It is Prophetic practice to pray the prayers of noon and mid-afternoon consecutively, however, many pilgrims abandon the blessings of this Prophetic practice.

@*Chapter 21.8.0: STANDING AT 'ARAFAT

@21.8.1 The pilgrims enter 'Arafa after the Prophetic practice bath (ghusl) for standing at 'Arafa, chanting "Labbayk" in lowliness and humility.

@21.8.2 Prophetic practices of standing at 'Arafa

It is recommended to stand exposed to the sun, facing the direction of prayer (qibla) with one's heart fully attentive and not occupied with worldly matters, and to chant in abundance "Labbayk," recite the blessings on the Prophet - may Allah venerate him and give him peace , ask Allah for His forgiveness, supplicate, and weep, because the tears that are shed annul sins. The greater part of one's words should be: "There is no god except Allah alone, who has no partner. His is the kingdom, His the praise, and He has power over everything." One should pray for one's family, friends, and all Muslims.

However, if there is a valid excuse such as fear from the harm of exposure one may seek shade beneath a tent, umbrella or other.

@21.8.3 Where to stand

It is recommended to stand if possible without hurting anyone, by the large round boulders that lie at base of the hill called the Mount of Mercy (Jabal al-Rahma).

As for climbing Jabal al-Rahma, which lies in the middle of 'Arafa, there is no additional merit above the merit of standing in other parts of the expansive plain of 'Arafa because all are valid. However, standing by the boulders below is better because it was the practice of the Prophet - may Allah venerate him and give him peace.

It is better to be mounted, and not fasting.

It is best for women to sit at the edge of the crowd and not in the middle of it, because men should not randomly mix with women.

@21.8.4 Obligatory elements of standing at 'Arafa

The obligatory elements of standing at 'Arafa are:

- (a) to be present in some portion of 'Arafa;
- (b) while sane and in full possession of one's faculties;
- (c) at some point between the noon prayer (zuhr) on 9 Thul Hijja and dawn of the following day.

It is Prophetic practice to remain at 'Arafa until sunset so as to include both night and day.) Anyone who is present and sane during any of this time, even if just passing though for a moment, has accomplished the Hajj because the Prophet - may Allah venerate him and give him peace , said, "The pilgrimage is 'Arafa," meaning that most of it is 'Arafa.

Someone who misses standing at 'Arafa or who spends it unconscious has missed the Hajj and releases himself from ihram by performing the rites of 'umra; that is, by circumambulating, going between Safa and Marwa, and cutting his hair, and he is thus released from his State of Pilgrim Sanctity (ihram). Such a person is obliged to make up the Hajj and to sacrifice as do those who perform an'umra first (tamattu') hajj def: 21.12.6(I).

@*Chapter 21.9.0: MUZDELIFA, MINA, AND THE GOING-FORTH CIRCUMAMBULATION

@21.9.1 Muzdelifa

When the sun sets on 9 Thul Hijja, those on Hajj leave for Muzdelfia and make the intention to pray the evening prayer (magrib) with they reach Muzdelifa. On the way to Muzdelifa one should occupy oneself with remembrance (Thikr), chanting "Labbayk". The journey to Muzdelifa should be made with tranquility and dignity, not jostling or injuring others (though if the way is clear it is desirable to hurry). At Muzdelifa, at the time of the nightfall prayer, the pilgrims pray the sunset (magrib) and nightfall prayers (isha) consecutively.

Upon reaching Muzdelifa one stops, prays and spends the night there. If one cannot spend the night there, then the obligation to be present to Muzdelifa can be met by being present there during the second half of the night for just a brief

moment. "Spending the night" means to be present there during the second half of the night, not actually staying overnight, which is the opposite of spending the night at Mina (dis: 21.10.4), which must be for the greater part of the night.

If one does not spend the night at Muzdelifa in the above-mentioned sense, has not journeyed there before dawn, and has no valid excuse then one is obliged to sacrifice as one does for an 'umra first (tamattu') hajj (def:L 21.12.6(I)). However, if one misses spending the night there for one of the same reasons which justify not spending the night at Mina (21.10.10), then one is not obliged to sacrifice.

Other valid excuses for not spending the night at Muzdelifa include:

1. being occupied with standing at 'Arafa because one arrived there after sunset. This is because it is more important than Muzdelifa;
2. or going forth from 'Arafa after the middle of the night to Mecca in order to perform the obligatory going-forth circumambulation (tawaf al-ifada). This is because it too is more important than Muzdelifa.

In either of these two cases, one does not have to sacrifice for having missed Muzdelifa.

In the morning, the pilgrims pray the dawn prayer at the first of its time. Seven pebbles are then picked up, not one stone broken into seven, which is offensive, to throw at the Jamra which is the stoning site in Mina.

@21.9.2 Stopping at Al-Mash`ar Al-Haram

After the dawn prayer, it is Prophetic practice to make a stop at a place called al-Mash`ar al-Haram which is a hill at the limits of Muzdelifa. It is recommended to climb the hill if possible. There is a second opinion that al-Mash`ar al-Haram refers to all of Muzdelifa. It is recommended that one faces the direction of prayer (qibla) and chants "Labbayk" and make remembrance (Thikr) as much as possible, and to say, "O Allah, as You have brought us to stand upon it and shown it to us, so give us success in Your remembrance, as You have guided us. Forgive us, and show us the mercy You have promised us by saying (and Your word is the truth):

"And when you surge on from Arafa, remember Allah as you approach the Holy Mountain of Mash'ar. Remember Him as it is He who guided you though before that you were amongst the astray. Then surge on from where the people surge and ask Allah for forgiveness. He is Forgiving and the Most Merciful." (Koran 2.198-99). "Our Lord, give us what is good in this world and the next, and keep us from the punishment of Hell."

@21.9.3 When the day lightens considerably, the pilgrims proceed to Mina with gravity and tranquility before the sun rises.

@21.9.4 Release from Ihram: The Initial Stoning at Mina

When the pilgrims reach the valley of Muhassir near Mina, it is Prophetic practice for them to quicken their step for a distance equal to that of a stone's throw. Then they take the middle way which leads to one of the three stoning sites called Jamrat al-'Aqaba. The pillar is stoned upon arrival with the seven stones picked up from Muzdelifa or elsewhere. It is offensive to gather the stones from the stoning sites themselves, toilets or other unclean places or around mosques. Taking stones from the grounds of a mosque is unlawful.

@21.9.5 How to stone Jamrat al-'Aqaba

When one begins to stone Jamrat al-'Aqaba, one ceases chanting "Labbayk," and does not resume it thereafter.

The best way to stone Jamrat al-'Aqaba is to stand in the middle of the valley after the sun has risen with 'Arafa lying to the right, Mecca to the left, and the stoning-site before one. The pebbles are to be thrown one at a time with the right hand whilst saying "Allahu akbar" with each throwing. Throwing the stones two at a time or all at once counts as having thrown one pebble.

As the male pilgrim throws the pebbles he should lift his arms high enough so that his underarm shows, however, if the pilgrim is a female she should not raise her arm like this.

The minimal conditions for the validity of stoning are given at 21.10.8

@21.9.6 It is after one has finished stoning at Jamrat al-'Aqaba that one either purchases a sacrificial animal and sacrifices it, or sacrifices the sacrificial animal one brought (dis: 21.12.6); (uThiya, def: 21.12).

@21.9.7 Release from Ihram: Cutting the Hair

Thereafter it is best for a male pilgrim to shave his entire head of hair, however a man may confine himself to just shaving three hairs of his head. These hairs must be shaved from the head and not the beard or moustache. It is also permissible to just shorten all the hair by less than two centimeters.

As for female pilgrims, it is best for them to shorten their hair in the latter way because it is offensive for a woman to shave her head.

@21.9.8 Prophetic practices

While having one's hair cut it is best:

1. to face the direction of prayer (qibla);
2. to say "Allahu Akbar, Allahu akbar, Allahu akbar, walillahil-hamd";
3. for the person shaving to start from the right;
3. and to bury the hair afterwards which is a measure recommended for any parts separated from a living being.

@21.9.9 Shaving the hair is an integral without which the Hajj remains unfinished and the person remains in the State of Pilgrim Sanctity (ihram) until it has been done. One cannot compensate for not shaving/cutting one's hair by making a sacrificial slaughter.

If a person is bald, then he simply passes a razor over his head, however it is recommended but not obligatory.

After one's hair, has been shaved/cut, it is Prophetic practice to say, "O Allah, for each hair reckon for me a good deed, annul a bad one, and raise me a degree. Forgive me, those who shave their hair, those who shorten it, and all the Muslims".

@21.9.10: Release from the state of Pilgrim Sanctity (Ihram): The Going-Forth Circumambulation (Tawaf Al-Ifada)

On the same day, that is 10th Thul Hijja, one enters Mecca and performs the going-forth circumambulation (tawaf al-ifada), which is an integral and without which the Hajj remains unfinished. The author's expression "without which the hajj remains unfinished," means that it may not be compensated for by a sacrificial slaughtering, though the time it may be performed is anytime thereafter, according to our school.

The Hanafis hold it must be done by sunset on 12 Thul Hijja. If the sun has set and one has not performed it by 12 Thul Hijja then a sacrificial slaughter is obligatory and one remains in the state of Pilgrim Sanctity (ihram) until one has fulfilled it. Its obligatory features are as described above (dis: 21.5.16).

After the going-forth circumambulation, one prays two units of prayer (rak'as) intending the Prophetic practice of circumambulation (21.5.18).

@21.9.11 Going between Safa and Marwa afterwards

If one has already gone between Safa and Marwa after the arrival circumambulation (dis: 21.6.1), one does not repeat it. However, if it has not been done one must do so, since going between Safa and Marwa is also an integral without which the Hajj is unfinished, and one remains in the state of Pilgrim Sanctity (ihram) until it is performed.

@21.9.12 Release from the State of Pilgrim Sanctity (Ihram): General Provisions
The best order in which to perform:

1. stoning Jamrat al-'Aqaba;
2. cutting/shaving the hair;
3. and the going-forth circumambulation (tawaf al-ifada). It is Prophetic practice to do all three on this day. It is permissible to do them in some other order.

The time for these three begins at the middle of the night, that is, between sunset of 9 Thul Hijja and dawn of the 10th which is 'Eid al-ATHa. It is best for the stoning to take place after sunrise. The preferred time for stoning Jamrat al-'Aqaba ends at the end of the day of the 'Eid, that is at sunset. As for the permissible time, it lasts until the end of the three days after the 'Eid. The best time to stone on 'Eid al-ATHa finishes at noon. The stoning has three times: the best, the preferred, and the permissible, whereas the time for cutting/shaving one's hair and the going-forth circumambulation lasts indefinitely, even if years.

@21.9.13 Release from Pilgrim Sanctity (ihram) in two stages, partial and full: The release from the state of Pilgrim Sanctity (ihram) in Hajj is in two stages, partial (lit. "first") and full ("second").

Partial release from ihram occurs when any two of the three rites of stoning, cutting/shaving the hair, and the going-forth circumambulation are performed in any combination. By doing any two of these rites one accomplishes partial release from ihram, whereby all things except those relating to women, such as sexual intercourse, getting married, or touching with desire, that were unlawful during the state of Pilgrim Sanctity (ihram) are now permissible (21.3.5)

Full release from ihram occurs when all three rites have been performed, and everything that is lawful is now permissible.

@*Chapter 21.10.0: ENCAMPMENT AND STONING AT MINA ON THE DAYS AFTER 'EID

@21.10.1

Having completed the going-forth circumambulation (tawaf al-ifada) and going between Safa and Marwa if the latter had not been previously performed after the arrival circumambulation (dis: 21.6.1)), one is obligated to return to Mina and stay overnight, then on the days following the 'Eid (Ayam al-Tashriq) do the stoning.

It is desirable to arrive before noon to perform the noon prayer there as the Prophet did - may Allah venerate him and give him peace , and one spends the night there.

On the days after the 'Eid, the first of which is the second day of 'Eid, one picks up twenty-one pebbles from Mina for the stoning (the satan's figure) remembering not to gather stones from the same place of stoning (dis:21.9.4).

@21.10.2 Time for stoning

After the time for the noon prayer has passed on 11 Thul Hijja, which is the first day after the 'Eid (Ayam al-Tashriq), one stones (the satan's figure) with the pebbles before performing the noon prayer.

@21.10.3 Correct sequence for stoning

The first site one stones is called Jamrat al-Kubra. It is the one closest to al-Khayf mosque. It is best if one walks up to it, keeping it on one's left and facing the direction of prayer (qibla). It is stoned one pebble at a time as mentioned above (21.9.5), and one turns from the direction of prayer to avoid the pebbles of other pilgrims. Having completed one's stoning here one turns away from the stoning site and faces the direction of prayer and with humility and sincerity supplicates to Allah for as much time as it takes to recite al-Baqara (Koran Chapter 2) which is approximately one hour.

One then proceeds to the second site called Jamrat al-Wusta, and repeats the stoning and supplicating procedure.

Then one goes to the third site, which is Jamrat al-`Aqaba that was previously stoned with seven pebbles on `Eid al-Atha, and stones it as one did at that time (dis: 21.9.5), facing it with the direction of prayer (qibla) to the left, though when finished, one does not stand there.

@21.10.4 Second day after the `Eid

It is obligatory to spend the night at Mina on 11th Thul Hijja.

The following day, which is the second day after the `Eid that is 12th Thul Hijja, one picks up twenty-one pebbles, and after the noon prayer's time has come, one stones the three stoning sites as described above, seven pebbles at each site. It is not permissible to stone for each of the days after the `Eid until after the noon prayer's time arrives.

It is obligatory to stone the sites in the correct sequence, i.e. first being Jamrat al-Kubra, the second Jamrat al-Wusta and the third Jamrat al-`Aqaba.

@21.10.5 It is recommended to take a bath (ghusl) each day before stoning.

@21.10.6 Permissibility of leaving Mina on the second day:

After stoning on the second day after the `Eid, it is recommended for the imam to give a sermon informing people about the permissibility of leaving early which is:

- (a) that one's departure takes place after the noon prayer's time has come;
- (b) after having stoned the three stoning sites;
- (c) that one's departure is from Mina itself, because it is not permissible to leave directly from Jamrat al-`Aqaba;
- (d) that one intends leaving while within the boundaries of Mina;
- (e) and that one leaves before sunset.

Then the imam bids the pilgrims farewell.

@21.10.7 The pilgrim then has a choice between leaving early on the second day after the `Eid, or waiting until one has stoned on the third day. If the pilgrim wishes to leave early, he/she may do so, provided the departure from Mina

occurs before sunset. If the sun sets and the pilgrim is still at Mina, it is not permissible to leave early because it is now obligatory to spend the night in Mina and stone the sites the next day in the previously mentioned manner.

@21.10.8 Conditions for the validity of stoning

Having mentioned the conditions for stoning in various rulings above, it is well enumerate all seven together:

- (a) that seven pebbles be used;
- (b) that they are thrown one by one;
- (c) that the pilgrim's action may be termed throwing and not by simply putting the pebbles into the throwing place;
- (d) that what is thrown is some kind of stone;
- (e) that it is done with the hand;
- (f) that the pilgrim aims the stone at the throwing place;
- (g) that the pilgrim is certain that the pebble reaches it, even if it falls out again. If the pilgrim is doubtful whether the stone reached, then that stone does not count; The above seven conditions hold for both `Eid al-ATha (dis: 21.9.5) and for the days following the `Eid, though the days following the `Eid require two additional conditions:

- (h) that the stoning is done after the time for the noon prayer arrives;
 - (i) and that the pilgrim stones the three sites in the proper sequence (dis: 21.10.3)

21.10.9 Leaving on the third day:

The pilgrim who has remained at Mina and stoned on the third day after the `Eid leaves after stoning. None of the conditions for leaving early (21.10.6) are necessary to leave.

@21.10.10: Valid excuses for not spending the night at Mina

If there is a valid excuse for not spending the night at Mina, then not doing so does not entail any consequences. Excuses include:

1. fear of the loss of property if the pilgrim stayed overnight;
2. fearing for one's person or the funds with one;
3. having a sick person with one who requires care;
4. having an illness that makes spending the night a hardship;
5. or a similar excuse.

Pilgrims in such circumstances do not have to spend the night, and may leave on the second day after the `Eid, even after sunset.

These excuses, which permit the pilgrim not to spend the night at Mina, likewise permit him/her not to spend the night at Muzdelifa, in addition to other previously mentioned excuses (dis: 21.9.1(1-2)).

@21.10.11 After having left Mina it is recommended that the pilgrim spends the night at al-Muhassab, which is by the mountain near the cemetery of Mecca.

@*Chapter 21.11.0: THE FAREWELL CIRCUMAMBULATION AND FINAL MEASURES

@21.11.1 If the pilgrim wishes to perform the `umra, he/she may do so by entering the state of Pilgrim Sanctity (ihram) from any point outside of the Sacred Precinct (Haram), as mentioned below in the description of `umra (21.12).

@21.11.2 The Farewell Circumambulation

When the pilgrim wishes to return home, he/she comes to Mecca and performs the obligatory Farewell Circumambulation (tawaf al-wada`). To leave without having done so is disobedience to Allah and the pilgrim must return to Mecca to perform it if still within 81 km./ 50-miles of it. However, if the pilgrim is farther than this, he/she is not obligated to return, but must sacrifice (21.12.6(I)). There is a second opinion in the Shafi'i school, which is weaker, and that is that the Farewell Circumambulation is Prophetic practice and that the sacrificing is also Prophetic practice.

The integrals and conditions of the farewell circumambulation are the same as the obligatory circumambulation (21.5.16).

The Farewell Circumambulation is not only for those performing Hajj or `umra, but is also required from anyone who is about to leave Mecca for a considerable distance regardless whether or not they intend returning.

@21.11.3 After the Farewell Circumambulation, the pilgrim performs two Prophetic practice units of prayer (rak'as) and stands at the place between the Black Stone and the door of the Ka'ba, and supplicates: "O Allah, the House is Your House, the worshipper is Your worshipper and son of Your two worshippers. You have carried me on a creature You have made submissive to me, bringing me to Your City and having Your mercy and virtue that I might fulfill Your rites. If You are pleased with me then be pleased with me even more so, and if not, then bless me now before my residence and the place where I am visited grow far from Your House. Now, if You permit, is the time for my departure, I seek none but You and no other than Your House, and am not averse to You or Your House. O Allah, give me good health and protect me in my religion. Make my affairs turn out well and give me the sustenance of obedience to You as long as You let me live. Give me the best of this world and the next, for truly, You have power over everything." Following this one supplicates for blessings upon the Prophet - may Allah venerate him and give him peace, and walks away normally (turning one's back on the Ka'ba) without backing away from it (while facing it, as many people do, which is offensive because it is a reprehensible innovation (bid'a, def: w-29.3).

@21.11.4 One then immediately prepares for departure.

If one stops to stand for a prolonged time, or becomes involved in something unconnected with travel such as shopping, paying a debt, visiting a friend or sick

person, and so forth, then one's Farewell Circumambulation is invalid and it is obligatory to repeat it. However, such things do not nullify it in the Hanafi school. On the other hand if one's activity concerns travelling, such as making one's baggage fast or buying travel provisions and the like then it is permissible.

@21.11.5 Menstruating women excused from circumambulating:

A woman in her monthly period may depart without making the Farewell Circumambulation, and need not sacrifice in expiation, however, it is Prophetic practice for her to come to the door of the Sacred Mosque and supplicate as mentioned above (21.11.3).

@21.11.6 Recommended measures for those staying in Mecca:

It is recommended to do much of:

1. performing `umra the whole time one is in Mecca, especially during Ramadan;
2. gaze upon the Ka'ba because Allah, the Most High sends down one hundred and twenty mercies day and night upon the Noble House, sixty for those circumambulation, forty for those praying there, and twenty for those gazing at it;
3. drinking the water of the Well of Zamzam for whatever intention one wishes, religious or for worldly gain because the Prophet - may Allah venerate him and give him peace - said,

"The water of Zamzam is for whatever it is drunk for."

It is Prophetic practice to face the Ka'ba while drinking, to breathe three times, and say "al-Hamdu lillah" and "Bismillah" each time one drinks, drinking one's fill of it;

4. and visiting the noble places of Mecca, which are many, such as the birthplace of the Prophet - may Allah venerate him and give him peace - and the birthplace of `Ali, may Allah be pleased with him.

@21.11.7 It is unlawful to take the slightest bit of the earth of the Sacred Precinct or its stones, or take cups or jugs made from the clay of the Sacred Precinct of Medina.

@*Chapter 21.12.0: THE OBLIGATORY FEATURES OF HAJJ AND UMRA:

@21.12.1 A description of `Umra

The `umra consists of entering the state of Pilgrim Sanctity (ihram) as the pilgrim does for Hajj (def:21.3). If the pilgrim is a Meccan or a temporary resident (dis: 21.2.2)), he/she must enter the state of Pilgrim Sanctity at the nearest place outside of the Sacred Precinct. If the pilgrim is a visitor, then he/she enters ihram at the ihram site which he/she passes, meaning the Hajj ihram sites previously mentioned (21.2.1). All of the things unlawful while in ihram for Hajj (21.3.5) are unlawful while in ihram for `umra.

The pilgrim enters Mecca and performs the circumambulation (21.5.16) of 'umra, though the arrival circumambulation (tawaf al-qudum) is not required by the Sacred Law because, since one is performing an obligatory circumambulation.

Following this the pilgrim goes between Safa and Marwa (21.6), and finally shaves the head or shortens the hair (21.9.7), the former being preferable for men and the latter for women. When this has been done, one is released from the ihram of 'umra.

@21.12.2 Integrals of the Greater Pilgrimage (Hajj) and the Lessor Pilgrimage ('Umra):

The integrals of the Lessor Pilgrimage ('umra) are:

- (a) The State of Pilgrim Sanctity (ihram) (21.3);
 - (b) circumambulation (21.5.16);
 - (c) going between Safa and Marwa (21.6.4);
 - (d) shaving or shortening the hair (def:21.9.7);
- and performing them in the order given which is a fifth Integral.

@21.12.3 The integrals of the Greater Pilgrimage (Hajj) are the four mentioned in 21.12.2 i.e. (a), (b), (c), and (d) plus standing at 'Arafa (21.8.4).

The Hajj's other requisites (wajibat, dis: 8.2.1) are:

- (a) that the pilgrim enters the State of Pilgrim Sanctity (ihram) at the proper site (21.2.1-2);
 - (b) stoning the stoning sites at Mina (21.9.4,21.10);
 - (c) staying the night at Muzdelifa (def:21.9.1) however, there is opinion that this is Prophetic practice and not obligatory;
 - (d) staying the nights following the 'Eid at Mina (def:21.10.1,4,7);
 - (e) and the Farewell Circumambulation (def:21.11.2).
- Everything besides the above is Prophetic practice.

@21.12.4 Non-performance of an obligatory feature of the Greater Pilgrimage (Hajj) or the Lessor Pilgrimage ('Umra):

The pilgrim who does not perform an integral of Hajj or 'umra remains in the State of Pilgrim Sanctity (ihram) until he/she performs it.

The pilgrim who does not perform obligatory features must sacrifice in expiation (def:21.12.6(I) if he/she does not return and perform it before its time is over, as in such cases as:

1. returning to enter ihram at the proper site before one starts circumambulating (dis: 21.2.5), though if one returns after having begun circumambulating, it does not lift the obligation to sacrifice;
2. not spending the night at Muzdelifa (21.9.1), which necessitates sacrificing if the pilgrim does not return before sunrise, though to do so after sunrise does not lift the obligation to sacrifice;
3. or not spending most of the night at Mina, if the pilgrim does not return to it before most of the time has passed, though if the pilgrim does return while most of it remains, then one need not sacrifice.

Someone who does not perform a Prophetic practice is not obliged to do anything.

@21.12.5 Being prevented by others from completing the integrals of the Greater Pilgrimage (Hajj) or the Lesser Pilgrimage ('umra) after having entered the state of Pilgrim Sanctity (Ihram):

Someone prevented by an enemy, non-Muslim or Muslim, from entering Mecca and fulfilling the integrals of Hajj or 'umra, including being barred from performing the obligatory circumambulation (tawaf al-ifada) or going between Safa and Marwa when there is no alternative route, releases himself from ihram by intending release from it, shaving his head, and sacrificing a sacrifice animal at the place he has been prevented, if an animal is available.

In the event that the pilgrim is unable to find an animal, or finds one whose asking price is higher than that of similar animals at that place and time, the pilgrim gives the animal's value in food as charity to the poor and those short of money in the Sacred Precinct. However, if the pilgrim is unable to give food then he/she fasts a single day for each 0.51 liters of food that would have been given had the latter been done. The fast may be performed wherever one wishes. When fasting is the only option possible, one is immediately released from ihram after shaving one's head with the intention of releasing oneself.

If such a Hajj or 'umra was voluntary, and not obligatory then there is no obligation upon the pilgrim to make it up.

@21.12.6 Full summary of the expiations connected with the Greater Pilgrimage (Hajj) and the Lesser Pilgrimage ('umra):

Muhammad 'Abdullah Jurđani distinguishes between four categories of expiation relating to Hajj and 'umra.

The first category consists of alternatives in a fixed order of precedence and predetermined amount (dam tartib wa taqdir). This means that the pilgrim must either sacrifice a shah (13.2.5) meeting sacrifice specifications (21.14.2), distribute its meat to the poor and those short of money (13.8.11) in the Sacred Precinct; or, if unable to sacrifice due to lack of money (21.1.17(2)) while on Hajj, even if one has enough money back home, then the pilgrim must fast three days during the Hajj and seven more at home, making a total of ten days.

If this expiation is for something that should have been performed after standing at 'Arafa as mentioned in (4), (5), (6) or (9) below, the three days during the Hajj may be fasted after one's release from the state of Pilgrim Sanctity (ihram) while still in Mecca. If the pilgrim fails to do so whilst in Mecca, the days become a makeup fast that must be performed before the other seven days to be fasted at home.

There are nine things that necessitate this type of expiation:

1. performing an 'umra first (tamattu') hajj (21.1.15,17);
2. performing Hajj and 'umra simultaneously (qiran, def: 21.1.16,17);
3. not standing at 'Arafa (21.8.4);

4. to miss stoning (21.10.8) at the stoning sites of Mina on the three days after the 'Eid, the time for which ends at sunset on the third day (dis: 21.10.2) if one does not leave early (21.10.6);
5. to miss all three nights at Mina after the 'Eid (21.10.1,4,7), though if one only misses a single night, one distributes 0.51 liters of wheat to the poor of the Sacred Precinct, and if two nights, then double this amount;
6. to miss spending the night at Muzdelifa (21.9.1);
7. not entering the state of Pilgrim Sanctity (ihram) at the proper site (dis: 21.2.5);
8. breaking one's vow (21.18.5);
9. or not performing the Farewell Circumambulation (tawaf al-wada', def: 21.11.2).

(II) The second category consists of expiations in which the pilgrim is free to choose one of three predetermined alternatives (dam takhyir wa taqdir), namely: to sacrifice and distribute a shah as described above (I); to fast three days, even if they are not consecutive, wherever one wishes; or to give 0.15 liters of wheat to each of six of the poor or those short of money at the Sacred Precinct.

There are eight things that necessitate this type of expiation:

1. removal of three hairs (dis: 21.3.8) at one time and place, meaning that the interval between removing each is not considered long (dis: 14.4.5), and one has remained at the same place, though if their removal does not occur at a single time and place, one must pay 0.51 liters of wheat to the poor or fast one day for each hair, even if their number exceeds three;
2. trimming three nails at one time and place, with the same rules and restrictions as just mentioned;
3. men wearing sewn garments or covering their head (dis: 21.3.6), or women covering their faces (dis: 21.3.24);
4. using oil (21.3.7(1));
5. using scent (21.3.7);
6. sexual foreplay (dis: 21.3.13);
7. having sexual intercourse a second time after having spoiled one's Hajj (dis: 21.3.14) by an initial sexual intercourse;
8. or having sexual intercourse between partial and full release (21.9.13) from the state of Pilgrim Sanctity (ihram).

(III) The third category consists of expiations in a fixed order of precedence of alternatives involving estimate-based substitutes (dam tartib wa ta'dil). It is necessitated by two things:

1. The first is being prevented by another from completing all the integrals of the Hajj or 'umra (21.12.5), in which case one must release oneself from ihram by sacrificing and distributing a shah as described above (I). Or, if unable to sacrifice, one estimates its value, buys food for that amount, and distributes it to the poor of the Sacred Precinct or the place where one is prevented. Or, if unable

to give food, one fasts one day for each 0.51 liters of food that would have been given if one had been able.

2. The second is having spoiled one's Hajj or 'umra by sexual intercourse (21.3.14), in which case one must sacrifice a camel, or if unable to, one must perform one of the alternatives mentioned at 21.3.15.

(IV) The fourth category involves choosing between alternatives consisting of estimate-based substitutes (dam takhyir wa ta'dil). It is necessitated by two things:

1. The first is killing a game animal while in the state of Pilgrim Sanctity (ihram). If there is a domestic animal of similar value, the pilgrim has a choice between the alternatives mentioned at 21.3.22, though if there is not, then those mentioned at 21.3.23.

2. The second is destroying a tree of the Sacred Precinct. If the tree is large in relation to other trees of its kind, the pilgrim sacrifices and distributes a cow. If it is small the pilgrim sacrifices a sheep. In either case, the pilgrim has a choice between sacrificing it and distributing its meat to the poor of the Sacred Precinct. This is done by estimating its cost and buying wheat to distribute to the poor of the Sacred Precinct, or fasting a day for each 0.51 liters of wheat that would have been bought had the latter been done. (Mufid' awam al-Muslimin ma yajibu' alayhim min ahkam al-din (y-67), 230-38))

Throughout the above, whenever there is an obligation upon a pilgrim to sacrifice an animal, it is permissible to commission (wakala, def: 16.17) another person to do so on the pilgrim's behalf. This is done by making a written contract, which is readily available at the Hajj, paying an amount of money and signing the agreement. The agent makes the sacrifice on behalf of the pilgrim in the early morning of the 'Eid and distributes the meat to deserving recipients.

Secondly, giving food or wheat to the poor, wherever it is mentioned in connection with expiations, means giving them the type of food that is valid for the payment of the obligatory charity (zakat) of 'Eid al-Fitr (13.7.6). In the Hanafi school, sacrificing must take place in the Sacred Precinct, though one may distribute both the meat and other expiations anywhere (al-Lubab fi sharh al-Kitab (y-88), 1.212, 1.224).

@*Chapter 21.13.0: VISITING THE TOMB OF THE PROPHET - may Allah venerate him and give him peace :

@21.13.1 Recommendations:

It is recommended when one has finished the Greater Pilgrimage (Hajj) to visit the tomb of the Prophet - may Allah venerate him and give him peace - in Medina.

One should enter his mosque with the right foot first, as in any mosque, and supplicate "In the Name of Allah, praise be to Allah. O Allah, bless our master

Muhammad, his family and companions, and give them peace. O Allah, open to me the gates of Your mercy."

@21.13.2 How to visit the Prophet's tomb:

It is recommended to pray two units of prayer (rak'as) to greet his mosque, and then approach the noble and honored tomb and stand at the head of it with one's back to the direction of prayer (qibla). One bows one's head and summons to mind reverent awe and humility, then greets the Prophet - may Allah venerate him and give him peace - and blesses him in a normal voice saying: "Peace be upon you, O Messenger of Allah. Peace be upon you, O Prophet of Allah. Peace be upon you, O Chosen One of Allah. Peace be upon you, O Best of the Creation of Allah. Peace be upon you, O Beloved of Allah", after which one supplicates to Allah for whatever one wishes. Then one steps half a meter to the right to greet Abu Bakr, and again to the right to greet 'Umar (may Allah be well pleased with them). Then it is recommended to return to one's original place and repeat supplicating to Allah, asking him by His Prophet – may Allah praise and venerate him - (tawassul, def: w-40) one's aims and goals, since the Prophet – may Allah praise and venerate him - is the greatest intermediary, in intercession and other things, and invoke blessings upon him. Following this one supplicates beside the pulpit (minbar) and in the Rawda, which is the space designated by the white pillars between the chamber containing the noble tomb and the pulpit.

@21.13.3 Unlawful or offensive things while visiting the tomb:

It is unlawful to circumambulate the tomb. It is offensive to nudge the wall around the tomb with one's back or front, to kiss it, or touch it. The correct manner is to stand back from it as one would if present during his life - may Allah venerate him and give him peace. This is the collective opinion of scholars.

One should not be deceived by the conduct of some common people who are ignorant of the etiquette that should be observed, because it such conduct is a reprehensible innovation (bid'a, def: w-29.3)). One of the most disgraceful innovations is the entering of dates in the Rawda.

@21.13.4 Visiting al-Baqi cemetery

It is recommended to visit al-Baqi', which is the cemetery of Medina. It is desirable to go to it every day and it is there that the wives of the Prophet - may Allah venerate him and give him peace , together with some of his children, his father's brother 'Abbas, 'Uthman ibn 'Affan the successor of the Messenger of Allah - may Allah venerate him and give him peace , many of his companions (Sahaba), and Imam Malik, founder of the Maliki school of jurisprudence are buried. May Allah bless and give all of them peace.

@21.13.5 Bidding farewell to the Mosque:

When it is time to travel, one bids farewell to the mosque by praying two units of prayer (rak'as), pays the noble tomb a visit and supplicates to Allah and venerates and asks peace for His Prophet. And Allah knows best.

@*Chapter 21.14.0: SACRIFICES ON `EID AL-ADHA

@21.14.1

'Eid al-ATHa sacrifices are a confirmed Prophetic practice (8.4.1), however, in the Hanafi school it is considered to be obligatory.

It is recommended for someone who intends to sacrifice not to cut his hair or trim his nails on 10 Thul Hijja until after he has sacrificed as it is offensive. The times for sacrificing begin after sunrise when sufficient time has passed to have performed the 'Eid prayer (14.19) with its two sermons, that is approximately forty minutes, even if one has not attended the prayer. The time ends at sunset on the last of the three days following the 'Eid.

@21.14.2 Sacrifice Animal Specifications

Only camels, cattle, sheep, or goats may be sacrificed. Camels must be over five years old, cattle and goats over two years, and sheep over a full year.

A single camel or cow fulfills the Prophetic practice for seven and a shah (22.2.5) fulfills it for one. It is superior to sacrifice a single shah than to have a share in sacrificing a camel.

The best animal to sacrifice is a camel, then a cow, then a sheep, and then a goat. The best kind of shah (13.2.5) to sacrifice is white, then brown colored, then black and white, and then a black one.

It is a necessary condition that a sacrifice animal is free of defects that diminish the quality of its meat. It is invalid to sacrifice:

1. a lame animal;
2. a blind or one-eyed animal;
3. a sick animal;
4. a deranged by malnutrition or insane animal;
5. mangy or scabrous even when it is not obvious;
6. with an ear that has been cut off or a piece of its separated, even if it is slight, or one born without an ear;
7. or missing a considerable part of the haunch or similar meat-bearing portion.

It is permissible to sacrifice an animal with a slit in its ear that has been made for identification purposes or open with part or all of a horn broken off.

@21.14.3 Having another sacrifice on one's behalf:

It is best to sacrifice (def:21.17.4) the animal oneself if one is able to sacrifice well. If not, it is obligatory to have someone who can sacrifice properly do it and it is recommended to be present when it is done.

@21.14.4 The intention:

The intention to sacrifice must be made at the time of sacrificing. However, it suffices the person who is having another sacrifice for him to make the intention when he authorizes the other to do so.

@21.14.5 Distributing the meat:

It is recommended that a third of the animal sacrificed be eaten, a third be given away even to wealthy Muslims, and a third of the raw meat, not cooked, be given as charity.

It is obligatory to give away some of the raw meat as charity, even if it is not much, and the hide is given in charity or used at home.

It is not permissible to sell a sacrificial hide or meat. It is not permissible for a person who has vowed (def:21.18) a sacrifice to eat any of the animal sacrificed.

@*Chapter 21.15.0: Sacrifice for a newborn (`Aqiqa) and name giving:

@ Lexically, 'aqiqa means the hair on a baby's head at birth. In Sacred Law, it means the animal sacrificed when the baby's hair is cut, which is a confirmed Prophetic practice (8.4.1).

@21.15.1 Prophetic practices after birth

It is recommended for the parent of a newly born to shave the baby boy or girl's hair seven days after birth and give away in charity gold or silver equal to the weight of the hair.

Soon after birth it is also recommended to give the call to prayer (athan, def: 14.3.6) in its right ear and the call to commence (iqama) in its left.

@21.15.2 The sacrifice:

If the baby is male, it is recommended to sacrifice two shahs (def:13.2.5) that meet 'Eid Sacrifice specifications (def:21.14.2), while if the baby is female, it is recommended to sacrifice one.

The person called-upon to sacrifice for a newborn is the one obligated to support the child (dis: 17.12.1).

After sacrificing, the meat is cooked in a sweet sauce, but none of its bones are broken. The meat is cut at the joints, and is recommended to distribute the meat amongst the poor.

@21.15.3 Name-giving:

It is Prophetic practice to give the baby a good name such as Muhammad or 'Abd al-Rahman. It is recommended to name a baby even if it died.

It is Prophetic practice for a convert to Islam to take a good name like the above, or one of the names of the prophets (def:5.3.5) may Allah bless them and give them peace.

@*Chapter 21.16.0: Foods

@: This section is an explanation of what food is lawful (halal) and unlawful (haram), the knowledge of which is among the most important concerns of the religion, since knowing it is a personal obligation upon every Muslim.

@21.16.1 Avoiding doubtful foods:

The following prophetic quotations (Ahadiths) with its commentary have been added here by the translator.

Anas (may Allah be pleased with him) relates that the Prophet - may Allah venerate him and give him peace - found a date in his path, and said, "Except for fear that it was charity, I would have eaten it." (Riyad al-salihin (Y-107), 277)

Muhammad ibn al 'Allan Bakri commented "The Prophetic quotation (Hadith) demonstrates that when a person is doubtful whether or not something is permissible, he should not do it. The question arises, is refraining from it in such a case obligatory or recommended? Our Imams explicitly reply that it is the latter, because things are originally considered permissible and fundamentally not blameworthy, as long as some prior reason for considering it unlawful is not known about it that one's doubts have been removed. For example, when one doubts that one of the conditions for valid sacrificing (21.17.2-4) has been met the assumption is that it remains unlawful. The meat only becomes lawful by a specific procedure, i.e. Islamic slaughtering methodology.

The case of meats is exceptional in this, since most other foods are initially permissible, and one assumes they remain so unless one is certain something has occurred which has made them unlawful.

In cases of doubt, only likely possibilities are taken into consideration, since it appears probable (in the above Prophetic Quotations (Ahadith)) that dates for charity were present at the time. As for remote possibilities, taking them into consideration only leads to a blameworthy extremism and departure from how the early Muslims were, for the Prophet - May Allah venerate him and give him peace - was given some cheese and a cloak (A: by members of a non-Muslim Arab tribe) and he ate the one and wore the other without considering whether they might have mixed the former with pork, or whether the wool came from a sacrificed or unslaughtered animal. Were one to take such possibilities into consideration, one would not find anything lawful on the face of the earth. This is why our colleagues say, "Complete certainty that something is lawful is only

conceivable about rainwater falling from the sky into one's hand: (Dalil al-falihin li turuq Riyad al-salihin (y-25), 5.37-38).

@21.16.2 Animals lawful and unlawful to eat:

It is permissible to eat the oryx, zebra, hyena, fox, rabbit, porcupine, daman which is a Syrian rock badger, deer, ostrich, or horse.

@21.16.3 It is unlawful to eat:

1. any form of pork products;
2. cats or disgusting small animals that creep or walk on the ground such as ants, flies, and the like. "Disgusting" being used here to exclude inoffensive ones such as the jerboa, locust, and hedgehog, which are small creeping animals, but are recognized as wholesome, and are pure;
3. predatory animals that prey with fangs or tusks, such as the lion, lynx, leopard, wolf, bear, simians, and so forth;
4. those which hunt with talons, such as the falcon, hawk, kite, or crow, except for the barnyard crow, which may be eaten;
5. or the offspring of an animal permissible to eat and one not permissible to eat, such as a mule which is a cross between one eaten, the horse, and one not eaten, the donkey.

@21.16.4 It is permissible to eat any aquatic game (sayd al-bahr) except frogs and crocodiles.

@21.16.5 Other substances unlawful to eat:

It is unlawful to eat anything harmful, such as poison, glass, or earth.

If something has been proven harmful, it is unlawful to consume, while if suspected to be harmful, it is offensive to, n: w-41 discusses cigarette smoking.

@21.16.6 It is unlawful to eat anything impure (najasa, def: 20.14.1) no matter whether impure in itself, or because of being affected with something impure, as is the case with (befouled) milk, vinegar, or honey.

It is also unlawful to eat substances, which are pure, but generally considered repulsive, such as saliva or sperm.

@21.16.7 If circumstances force one to eat from an unIslamically unslaughtered dead animal such when one fears losing one's life or fear of an illness growing worse, then one may eat enough to avert harm to oneself.

However, one may not eat to repletion from a dead animal unless one believes that confining oneself to the survival minimum entails dangerous consequences, in which case it is obligatory to take satisfy one's hunger.

If circumstances force one to choose between a dead animal and some permissible food belonging to someone else who is not present, one is obligated to eat of the dead animal.

@*Chapter 21.17.0: Hunting and slaughtering

@21.17.1 It is forbidden to eat any permissible animal until it has been properly slaughtered, the only exceptions to which are fish (21.16.4) and locusts, which are permissible to eat even when they die unslaughtered.

@21.17.2 It is unlawful to eat meat slaughtered by a Zoroastrian, someone who has left Islam (murtadd, def:08), or an idol worshipper, included with whom are those (zanadiqa) with corrupt convictions about tenets of faith that are well-known as essential parts of Islam (books u and v), or a Christian of the desert Arab tribes.

@21.17.3 It is permissible to slaughter with anything that has a cutting edge; but not a tooth, bone, or claw, whether human or otherwise, attached to the body or not.

@21.17.4 The necessary condition for slaughtering any animal which is within one's capacity to slaughter, domesticated or wild, is to cut both the windpipe and the gullet. The "windpipe" meaning the channel of breath, and "gullet" meaning the channel of food and drink which lies beneath the windpipe.

It is not necessary for the validity of slaughtering to cut the carotid arteries, which are two blood vessels on the sides of the neck encompassing the windpipe.

If the slaughterer neglects to cut any part of either the windpipe or gullet and the animal dies, it is considered an unIslamically slaughtered dead animal, as is an animal with nothing but purely reflexive movement left when one finishes cutting a part of the windpipe or gullet previously missed.

If the slaughterer cuts from the back of the neck until he severs the windpipe and gullet, it is a sin because of the excess pain caused, although it is valid as slaughtering. Chopping off heads of chickens with a hatchet is offensive, though the meat is lawful.

The slaughterer should cut swiftly and not take his time such that he has to cut two or more times. If he does, and there is no life remaining in the animal on the second swipe, then the animal died in a state of being unIslamically slaughtered and is impermissible to eat.

The determining factor is whether life remains in the animal when the knife is applied at the beginning of the last stroke that is the one which successfully severs both the windpipe and gullet, no matter whether this is the second or third

.

@21.17.5 Measures recommended while slaughtering:

It is recommended when slaughtering:

1. to turn the animal towards the direction of prayer (qibla);
2. to sharpen the knife;
3. to cut rapidly even faster than is obligatory, such that it does not take two or more swipes, as mentioned above;
4. to mention the Name of Allah – “Bismillah. In the Hanafi school it is obligatory to mention the Name of Allah;
5. to praise the Prophet - May Allah venerate him and give him peace ;
6. and to cut the large blood vessels on either side of the neck.

@21.17.6 It is recommended to slaughter camels by thrusting the knife into the hollow at the base of the neck which is between the two collarbones above the chest so that one severs the windpipe and gullet in this concavity. This is because it is easier than cutting the throat, for it seeds the exit of the soul from the body by bypassing the length of the neck, being the preferable way to slaughter any animal with a long neck, such as a duck, goose, ostrich, or giraffe, with the camel left standing, one foreleg bound up.

@21.17.7 Other animals:

Unlawful to return to finish cutting

It is recommended to slaughter other than camels such as cattle, sheep or goats by drawing the knife across the throat at the top of neck after laying it on its left side. Slaughtering them this way is only called for to easily enable the slaughterer to hold the knife in his right hand and the animal head with is left. It is also Prophetic practice for the animal's legs to be bound, except the right hind leg, so the animal will not jerk during slaughtering and cause the slaughterer to miss his mark. The right hind leg is left free in order to pacify the animal by giving it something to move.

@21.17.8 Unlawfulness to return to finish cutting

It is a necessary condition that the slaughterer does not raise his knife-hand while slaughtering while drawing it across the neck. If he lifts it before completely severing both the windpipe and gullet and then returns to cut them, the animal is not lawful to eat.

@21.17.9 Hunting

As for hunting, a game animal is lawful to eat whenever one hits it with an arrow, or according to the Maliki school, shoots it with a rifle or shotgun, or brings it down with a trained hunting animal such as a falcon or dog and the hunted dies before one can slaughter it.

However, if one reaches it while it is alive or any life remains, then one must slaughter it properly, provided that the hunter is not blind, and is of a people whose slaughtered food Muslims may eat (21.17.2), and provided that the animal

does not die from being struck by the mere weighting of the arrow, but rather dies by its edge.

If the game was brought down by a trained hunting animal, it is a necessary condition that the animal ate nothing of the game.

If the game animal dies from being struck by the weight of the trained hunting animal, as in falconing, then the game is lawful to eat.

@21.17.10 A game animal is not lawful to eat if:

1. an arrow hits it and it then drips into water this is because of the likelihood that it died from drowning;
2. it is brought down from a ledge from which it fell, this is because of the likelihood that it died from the fall;
3. or if it disappears after having been wounded and is found dead. This is because it might have died for some other reason than being wounded, however, if it is obvious that it died from the wound it is lawful to eat.

@21.17.11 A camel or other domestic animal such as a cow, sheep, goat, or horse that strays and cannot be retrieved, or that falls into a well and cannot be gotten out may be made lawful to eat by shooting it - Allah knows best - because of the impossibility of slaughtering it, no matter where one hits its body provided it is mortally wounded and pronouncing the Name of Allah.

@*Chapter 21.18.0: VOWS (NaThar)

@ Lexically, the word vow means any promise. It is legally defined as making obligatory some act of worship that was not originally obligatory in Sacred Law, such as a Voluntary or fast, and the like.

There is a difference of opinion among scholars whether a vow in itself is an act of worship or whether it is offensive. The strongest position is that it is an act of worship when made to perform a pious act, since Allah, the Most High describes the pious as "they who keep their vows" (Koran 76.7) because it is an intimate discourse with Allah, the Most High; though it is offensive in the heat of an argument.

The advantage of a vow is that one may obtain the reward of an obligatory act by fulfilling it. On the other hand unlike broken oaths, which may be expiated (dis: 9.20), there is no way to lift the vowed action: it remains obligatory unless one is physically unable this being the case one performs an alternative such as giving food in place of fasting. For this reason many pious and learned Muslims avoid making vows.

@21.18.1 Conditions for the legal validity of a vow:

A vow to perform some pious act is only valid;

- (a) if made by a Muslim who is legally responsible (mukallaf, def: 8.8.1);
- (b) when it concerns some act of worship. In the Shafi'i school the meaning is any recommended act. In the Hanafi school it can only be an act that is similar in kind to an obligatory form of worship such as prayer, fasting, or Hajj;
- (c) and is stated in words such as "I hereby owe Allah to perform such and such," or "I am hereby obligated to do such and such."

A vow to do something that is permissible, such as standing, sitting, eating, or sleeping, is not legally valid because these are not acts of worship. The reason being the Prophetic quotation (Ahadith) related by Bukhari that one day the Prophet - may Allah venerate him and give him peace - passed a man standing in the sun without seeking shade. He inquired about the man and was told that he was Abu Isra'il, and that he had vowed to stand while fasting and neither seek any shade nor speak. Thereupon, the Prophet – may Allah venerate him and give him peace - said, "Go to him and tell him to sit in the shade and speak, but let him finish fasting."

By an "act of worship", our author means acts that are voluntary and not obligatory, since an oath to undertake an obligatory act is invalid whether it involves performance of something, such as an obligatory prayer or fast, or nonperformance of something, such as vowing to abstain from wine or fornication and the like. Such vows are not valid to begin with, as Allah has made these obligatory and "obligating oneself to do them" is meaningless.

The obligatory acts which are not valid to vow are restricted to the personal obligation. As for the communally obligatory (8.3.2), a vow to do such an act obligates one to fulfill it, because it is an act of worship not originally obligatory in the law, meaning not initially called for from any particular person.

@21.18.2 General Provisions Regarding Vows

A valid vow to perform an act of worship makes the act obligatory.

@21.18.3 Vows conditional on some event;

A vow must be fulfilled that one has made conditional upon the occurrence of some event, such as by saying, "If Allah heals my sick friend, it is obligatory for me to do such and such". The vow becomes obligatory if the sick person regains his/her health.

@21.18.4 Vows made in the heat of anger;

If someone makes a vow by way of argument or in anger, saying, for example, "If I speak to Zayd, it is obligatory for me to do such and such," then if he speaks to Zayd, he has a choice between doing what he has vowed, or else paying the expiation form a broken oath (020).

@21.18.5 Inability to fulfill a vow:

If one vows to perform the pilgrimage riding but instead does so on foot, or vows to perform it on foot but then does so riding, this accomplishes the vow, though one is obliged to slaughter as one does for an 'umra first (tamattu' Hajj (21.12.6(I)).

This is because the vowed walking or riding has become an obligatory element of one's pilgrimage, the expiation for its nonperformance is as other unperformed obligatory acts of Hajj, and if such a person lacks a shah (13.2.5) or lacks the money for it, he may fast.

As for a person who vows to do something unconnected with the pilgrimage and finds he/she cannot fulfill it, he/she performs a valid alternative if one exists in Sacred Law (dis:21.18.0). If there is no valid alternative in Sacred Law, he/she remains responsible for performing the vowed act.

If one does not fulfill a vow through being unable to or because of forgetfulness, it is not a sin, but one must slaughter and is an obligation that neither incapacity nor forgetfulness lifts.

To summarize, the sin of not fulfilling one's vow only exists when one is capable of fulfilling it, not when one is incapable, though someone who does not fulfill a vow because of incapacity must slaughter a shah meeting sacrifice specifications (21.14.2).

@21.18.6 If one vows to go to the Ka'ba, Masjid al Medina, or al-Masjid al-Aqsa in Jerusalem, then it is obligatory for one to do so.

If one vows to go to the Ka'ba, then one must perform Hajj or 'umra this is because Hajj and 'umra are what is fundamentally intended in Sacred Law by going to the Sacred Precinct, and the vow is interpreted according to this convention of the Law as a vow to perform either Hajj or 'umra.

If one vows to go to Masjid al-Medina or al-Masjid al-Aqsa, then one must either perform the prayer or else spend a period of spiritual retreat (i'tikaf, def:15.3) in the mosque.

If one vows to go to some other mosque, the vow does not obligate one to do so (dis: 15.3.4, this is because travelling to other mosques is not an act of worship.

@21.18.7 If one vows to fast for the whole of a particular year, one does not have to make up days not fasted on the two 'Eids or the three days following 'Eid al-ATHa (dis:15.2.3), or the days fasted during Ramadan, or the days a woman misses during her monthly period or postnatal bleeding.

@21.18.8 Someone who vows to perform the prayer but does not specify how many must pray two units of prayers (rak'as).

@22 THE FUNERAL PRAYER (JANAZA)

Ablution is obligatory before praying the funeral prayer

@*BOOK 22: THE FUNERAL PRAYER (JANAZA)

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@*Chapter 22.1.0: VISITING THE SICK AND DYING

@22.1.1 Recommendation to remember death

Everyone is recommended to remember death frequently, particularly if one is ill, and to prepare for it by repenting (def:10.77), because the Prophet - may Allah venerate him and give him peace – said:

“Remember the Ender of Pleasures frequently,” meaning death.

Nasa'i also reported the Prophet – may Allah venerate him and give him peace – an addition to this quotation:

“Remember death abundantly” and the Prophet added in another quotation “If it is remembered in any crowd [like family] it will lessen them [in value and number] and if it is remembered in any little [good] deed, it will cause it to increase”

@22.1.2 No matter whether the person is a friend or an enemy, it is recommended to visit him, even if the illness is only that of sore eyes. It is recommended to visit a sick non-Muslim person who is the subject of the Islamic state (Thimmi, def:9.11), a relative or neighbor, however, if the person is not, then it is just permissible.

@22.1.3 It is offensive to sit for a long time with a sick person. It is recommended to visit the sick occasionally but not continuously unless the sick person is a relative or friend of whom one is fond, or, a pious person from whose presence one derives spiritual blessing (baraka), and unless the sick person expresses otherwise.

@22.1.4 If the visitor has hopes that the sick person will survive then he should supplicate for him saying:

“O Allah, Lord of mankind, Remover of affliction, bestow healing for You are the Healer, and there is no healer except You, a healing that leaves no illness behind.”

and then leave. However, if the visitor sees very little hope of a recovery, he should encourage the sick person to repent and to make his bequests (def:23.1-3), by telling him for example, "You should repent of all your sins so that Allah, the Most High heals you, for repentance is reason for cure, and you should make some provision for bequests, as it prolongs one's life. A person should make bequests while alive because death comes to us all."

@22.1.5 Instructing the dying person

If the visitor sees the person is dying, he should encourage him to be desirous for the Mercy of Allah because hope should dominate fear in this state.

He should also turn the dying person to face the direction of prayer (qibla) by laying him on his right side, or if impossible, on his left. If both are impossible, he is laid on his back, with his face and the soles of his feet towards the direction of prayer (qibla), and prop-up his head a little.

Without irritating insistence the visitor should then gently instruct, the dying person to say, "There is no god except Allah", without telling him, "Say....". After the dying person has said it, then he is left as is until he himself speaks of something.

It is recommended that the person instructing him to make the witnessing is neither his heir nor enemy.

@22.1.6 Immediate measures after death

When death occurs, it is recommended that the person closest to him who is of his unmarriageable kin (mahram) closes his eyes.

It is recommended:

1. to close his jaws with a wide bandage tied above his head to prevent his mouth being left open;
2. to make his joints flexible by bending the forearm to the upper arm, calf to thigh, thigh to stomach, and then straightening them, and to similarly flex the fingers in order to facilitate the washing and shrouding of the deceased. If the joints are flexed at this point, they remain flexible, but if not, it becomes impossible to do so afterwards.
3. to gently remove his clothes, and cover him with a light cloth, tucking the edge under his head and feet so they do not become uncovered;
4. and to place something heavy on his stomach (to prevent bloating).

@22.1.7 It is recommended to hasten to pay off the debts of the deceased (dis: 23.4.2-3) or having them waived by creditors. It is recommended to proceed with haste in the implementation of his bequests, and in preparing him for burial when it is unlikely that the body will rapidly change, however, it is obligatory when this is likely.

@22.1.8 When someone dies suddenly or is believed to have died, the body is left until it is certain he is dead by means of a change in odor or the like.

@22.1.9 Communal responsibility to wash the deceased, etc.,
Washing the deceased, shrouding him, praying over him, carrying him, and burying him are Communal obligations (def:8.3.2)

@*Chapter 22.2.0: WASHING THE BODY

@22.2.1 It is obligatory to wash the body.

@22.2.2 Who should wash the body

Anyone may wash the body but it is not permissible, being offensive, for a non-Muslim to wash the body of a Muslim.

When the deceased is male, the best suited, in order of priority, to wash the body is:

1. the father of the deceased;
2. the paternal grandfather;
3. the son;
4. the grandsons
5. the brother;
6. the paternal uncle;
7. the son of the paternal uncle;
8. those named in the sequence given at 23.10.6(12-14);
9. men related to the deceased;
10. men not related to the deceased;
11. his wife;
12. and his unmarriageable female relatives (mahram, def:17.6.1).

@22.2.3 If the deceased is female, the best suited to wash the body is:

1. one of her female relatives, meaning the women of her immediate family, such as her daughter or mother);
2. other women;
3. her husband;
4. and then a member of her unmarriageable male relatives (mahram, def:17.6.2) (in the above (22.2.2) order).

@22.2.4 If the deceased is a non-Muslim, then his non-Muslim relatives are better suited to wash him.

@22.2.5 It is recommended that the washer is a trustworthy person that he can be relied upon to wash the deceased in the correct manner. If he notices something good it is Prophetic practice to mention it, but if he notices something bad it is unlawful to mention it, as this would amount to slandering the deceased (ghiba, def:4.2.2).

@22.2.6 How to wash the body

It is obligatory for the washer to keep the nakedness (def:14.5.3) of the deceased clothed (14.5.4) while washing him. It is Prophetic practice to burn incense throughout the washing, from start to end.

It is Prophetic practice that no one be present except the washer and his assistant. It is preferable that the body is washed while clothed in an ankle-length shirt into which the washer inserts his hand from the sleeve, while pouring water over the garment and washing the body under it. If the sleeve is not wide enough for this, the seam from under the arm should be torn to facilitate access. It is obligatory that the body is covered from naval to knees.

It is best to wash the body under a roof, and best that cool water be used, except when necessary when it can be warmed to clean away filth that could not otherwise be removed, or when the weather is cold. This is because the deceased suffers from it either being too cold or too hot in the same way that a living person would experience.

@22.2.7 It is unlawful to look at the nakedness of the deceased (def:14.5.3) or touch it, except with a cloth or similar, since direct contact without there being something in between is not permissible. It is recommended not to look at or directly touch the other parts of the body except with a cloth.

@22.2.8 It is recommended:

1. to gently expel the waste from the stomach;
2. to clean the private parts of filth. It is recommended to clean the private parts when one is not certain that anything has exited from those parts. If something has exited then cleaning is obligatory;
3. to give the body ablution (wudu) like that of the ablution of a living person, turning the head when rinsing the mouth and nostrils so that no water reaches the stomach;
4. to make the intention of performing the purifying bath (ghusl), and then to wash the head, beard, and body each three times with water infused with sidr i.e. Lote tree(Rhamus spina christi) leaves, taking care each time to press the hand on the stomach in a downward stroke, leaning on it gently to force out its contents, so as not to hurt the deceased. If the hair of the head or beard is matted, it should be gently combed with a wide-toothed comb so as not to pull any out. If hair comes out as a result, the washer should return it and place it in the shroud to be buried with the deceased.

@22.2.9 It is Prophetic practice:

1. that the place of washing be on an incline so the head is highest and the water flows down away from it;
2. that incense be burned throughout;
3. to put one's right hand on the shoulder of the deceased with the thumb on the nape of his neck so that the head does not loll, and brace his back up against one's right knee;

4. to have the helper pour abundant water during the process to obviate offensive odors from waste leaving the body;
5. to stroke the stomach firmly and effectively with one's left hand;
6. and when finished, to lay the deceased down again on his back with his feet towards the direction of prayer (qibla).

@22.2.10 Minimum measures

If the body is not clean after three times, it is to be washed again until it reaches cleanliness after an odd number of washings. If it is clean after an even number of washings, it is Prophetic practice to add another.

It is Prophetic practice to add a little camphor to the water, especially during the last washing.

The obligatory minimum for this purifying bath (ghusl) is that water reach all external parts of the body and if present, it is obligatory to remove any filth (najasa, def: el-4.1). The body should be dried with a cloth afterwards.

If anything discharge leaves the body after washing, only the affected area needs to be washed and it is unnecessary to repeat the whole washing ablution (wudu) or bath (ghusl), even if the discharge is from the front or rear private parts. (this does not mean not to removed these discharges)

@*Chapter 22.3.0: SHROUDING THE BODY

@22.3.1 It is now obligatory to shroud the body.

[The habit of good people used to be to buy their shroud from a clean legal source and keep it standby for years so they do not burden their relatives nor be exposed to any non legal priced shroud)

@22.3.2 Minimum shrouding

If the deceased is male it is recommended that he is wrapped in three washed but not new, white shrouds, without an ankle-length shirt or turban, each shroud covering the entire body. However, if the deceased was in a state of pilgrim sanctity (ihram), the head of the male or face of the female must be left uncovered.

It is permissible to add beneath the shrouds an ankle-length shirt and a turban. It is unlawful to use silk to shroud a man.

If the deceased is a woman it is recommended that she is dressed in a wraparound, head-cover, and a shift, and that she is wrapped in two shrouds, like those used for men, being white, not new and washed, each of which covers her entire body. It is offensive for a woman's shroud to be made of silk, or fabric dyed with saffron or safflower.

The obligatory minimum for shrouding a man or woman is to completely cover their nakedness. For a man it is obligatory to cover the navel, the knees, and what lies between them, and for a woman, her entire body.

@22.3.3 It is recommended:

1. to scent the shrouds with incense such as from aloes and the like
2. to sprinkle them with hunut which is an aromatic compound of camphor, reed perfume, and red and white sandalwood, and camphor;
3. to place cotton and hunut on the apertures of the body, such as the eyes, mouth, nostrils, and ears, and on places that touch the ground in prostration, the forehead, nose, palms, bottoms of the feet, and the knees;
4. and it is commendable to perfume the entire body.

@22.3.4 Dying when in ihram for the Pilgrimage

If a person dies while in a state of pilgrim sanctity (Ihram, def:21.3), it is unlawful to scent the body, to dress it in a garment with any sewing in it if male, and to cover the head of a male's body or the face of a female's.

@22.3.5 It is not recommended to prepare a shroud for oneself, unless to ensure that it comes from a lawful source or is from the effects of a virtuous person, "virtuous person" meaning those who worship a lot, a religious scholars who applies their knowledge in their lives. In such a case, one may procure it for the blessing therein (tabrruk, di:w-31).

@*Chapter 22.4.0: THE PRAYER OVER THE DEAD

@22.4.1 Then the obligatory prayer over the deceased.

The obligation is fulfilled if a single Muslim male who has reached the age of discrimination, prays over the deceased. It is not fulfilled by the prayer of women alone when there is a male available. However, if there are no males, then women are obliged to perform the prayer and their prayer fulfills the obligation.

@22.4.2 Where the prayer is to be performed

It is recommended to perform the funeral prayer in a group and it is not offensive, rather it is preferable, to pray the prayer in a mosque. However, it is offensive to pray the prayer in a cemetery.

@22.4.3 Who should lead the funeral prayer

The person best suited to lead the funeral prayer as imam is the one who is best suited to wash the deceased (dis:22.2.2) except for women, who have no right to lead (dis:14.12.27). The family member responsible for the deceased is given preference in leading the prayer even over the sultan, or the imam of the mosque.

The older of two persons takes precedence over the more learned in Sacred Law such as two sons or two brothers, since the purpose is to pray for the deceased, and the supplication of an older person is more likely to be answered and the

older is given precedence over any others at that level, although if they are of the same age, then one is chosen according to the order used for the imamate of other prayers(def:14.12.25).

The responsible family member is given precedence in leading the funeral prayer even when the deceased has stipulated someone other than a non-family member to be the imam.

@22.4.4 Placing the body for the funeral prayer

During the funeral prayer, when the deceased lies on the bier in front of the imam, with his/her right side facing the direction of prayer (qibla), it is recommended that if the deceased is a male that the imam stands by his head. However, if the deceased is a female the imam should stand when conducting the funeral by the behind area to cover her from view.

@22.4.5 If there are several corpses, it is best to perform a separate funeral prayer for each individual, though it is permissible to pray for all of them in a single prayer by putting the biers directly in front of the imam parallel with the rows of worshippers with each corpse facing the direction of prayer (qibla)). When the deceased differ in gender, the corpse closest to the imam should be an adult male, then a boy, then a woman. However, if they are either all male, all female, or all boys then the best Muslim amongst them. That is, the one who was more pious, abstinent, cautious and had praiseworthy traits followed by the next best and so forth.

If the corpses are brought successively, the first one brought is placed closest to the imam, even if the prior arrival is less virtuous or is a boy, though not if a female whose body should be placed further from the imam than that of a male brought thereafter.

@22.4.6 Description of the Funeral prayer

Then one who intends to perform the prayer, keeping in mind its obligatory character, though need not explicitly intend it as a Communal obligation (8.3.2).

One may confine oneself just to the intention of praying four “Allahu Akbars” over the deceased person as an obligatory act, without intending its being in fulfillment of a Communal obligation. The intention must coincide with one's opening statement of “Allahu Akbar” – Allah is the Greatest

It is valid for someone to perform a funeral prayer for a dead person who is absent (dis:22.4.18) while following an imam who is praying over a dead person who is present.

@22.4.7 “Allahu Akbar” is said four times in the funeral prayer, raising one's hands to shoulder level for each pronouncement, and it is recommended between each pronouncement that one folds the right hand over the left.

The funeral prayer is not invalidated by adding a fifth Allahu Akbar, even intentionally, although if the imam adds one the follower does not do likewise, but simply waits to finish with him when he says his Salams.

@22.4.8 What is said in the funeral prayer

One remains standing throughout the entire funeral prayer. After the first "Allahu Akbar" it is obligatory to recite Al Fatihah, the Opener. It is recommended to say, "I take refuge with Allah from the stoned and cursed satan" (Ta'awwuTh, def:14.8.16) before it and "Ameen" after it, though not to recite the Opening Supplication (Istiftah, 14.8.13) or a chapter therein.

@22.4.9 After the second pronouncement of "Allahu Akbar" it is obligatory to say the blessings on the Prophet - may Allah venerate him and give him peace , after which it is Prophetic practice to supplicate for the believers. It is also Prophetic practice ask Allah to bless the family of the Prophet after asking for the blessings upon him - may Allah venerate him and give him peace - and to say "al-Hamdulillah" meaning praise be to Allah, before it.

@22.4.10 After the third "Allahu Akbar" one supplicates for the deceased. The recommended supplication is:

"O Allah, this is Your worshipper, and the son of Your worshipper. He has left the breadth of this world and its spaciousness, in which were the things and people he loved for the darkness of the grave and that which he will meet.

He bore witness that there is no god except You, alone without a partner, and that Muhammad is Your worshipper and messenger. You know him better than we.

O Allah, he has gone to remain with You, and You are the Best to remain with. He is now in need of Your Mercy, and You have no need in You to punish him. We come to You desirous of You, interceding for him. O Allah, if he did well, treat him better, and if he did wrong, disregard it and through Your Mercy show him Your good pleasure and protect him from the trial and punishment of the grave. Make his grave spacious for him and distance the earth from his sides, and through Your Mercy protect him from Your punishment until You raise him and send him safely to Your Paradise, O Most Merciful of the Merciful."

This is the optimal supplication, The minimum is mentioned below at 22.4.13(f).)

@22.4.11 It is commendable to say before the above,

"O Allah, forgive those of us who are alive and those who are dead, those present and those who are absent, those who are young and those who are old,

those who are male and those who are female. O Allah, let those of us You give life to live by Islam, and let those of us You take back die in a state of belief."

If it is the funeral of a child, one may add to this, "O Allah, send him ahead to smooth the way for his parents, and make him a reason for reward, a treasure, admonition, reflection, and intercessor. Make the scales of their good deeds heavy through him, and fill their hearts with patience."

@22.4.12 After the fourth "Allahu Akbar", it is Prophetic practice to say, "O Allah, do not withhold from us his recompense, nor try us after him, but forgive us and him."

Then one says "As-Salamu 'alaykum" twice - the first one being obligatory and the second Prophetic practice.

@22.4.13 The integrals of the funeral prayer are seven:

- (a) the intention;
- (b) standing;
- (c) saying "Allahu Akbar" four times;
- (d) saying Al Fatihah, the Opener;
- (e) saying the blessings on the Prophet - may Allah venerate him and give him peace ;
- (f) making the supplication for the deceased, the minimum being, "O Allah, forgive this deceased";
- (g) and the first of the two times one says "as-Salamu 'alaykum" to finish the prayer.

@22.4.14 The conditions of the funeral prayer are the same as other prayers (def:14.9.13), but in addition require:

- (a) that the deceased's body has been washed before the prayer;
- (b) and that the imam and those praying do not stand ahead of the body during the prayer, in other words closer to the direction of prayer (qibla).

It is offensive to perform the funeral prayer over a body before it has been shrouded. If someone dies under a pile of rubble, and it is impossible to retrieve the body and wash it then he is not prayed over as he is considered to have died the death of a martyr.

@22.4.15 In the event that the imam has already started to pray the funeral prayer and one arrives late then one should start by saying "Allahu Akbar" followed by the recitation of Al Fatihah. From that point onwards one follows the imam however, one does not say the Salams after the imam but completes the prayer with the sections that were missed and conclude with the Salams.

the latecomer goes on to complete his remaining number of times of saying "Allahu Akbar" and the other spoken elements, and then finishes with his own Salams.

It is recommended that the body be not lifted until the latecomer finishes his prayer.

If the latecomer joins the group with his opening "Allahu Akbar", and the imam immediately says the second "Allahu Akbar" before the latecomer has had a chance to recite Al Fatihah, then the latecomer omits Al Fatihah and says "Allahu Akbar" with the imam. The latecomer is considered to have performed both of the first two "Allahu Akbars" and is no longer obligated to recite the Al Fatihah. If the imam's "Allahu Akbar" occurs while the latecomer is reciting Al Fatihah, he discontinues it and says "Allahu Akbar" with the imam.

If the imam says "Allahu Akbar" and the follower does not say it until the imam has said it a second time, it invalidates the follower's prayer.

@22.4.16 Repeating the Funeral Prayer

When one has performed a funeral prayer over someone, it is recommended that one does not repeat it.

@22.4.17 If the deceased has been buried and someone arrived having missed the funeral prayer then he may pray it at the graveside. Such prayer is legally valid no matter whether the deceased was buried before or after the funeral prayer had been performed over him, although it is unlawful to bury a Muslim before his funeral prayer and anyone who knows it and does it is guilty of a sin.

The condition only applies to the person praying at the graveside that has reached the age of puberty, and is sane on the day the deceased died, this is because the person is among those responsible for the Communal obligation of praying over the deceased. If it is otherwise, he may not pray there.

@22.4.18 Praying over the dead who are absent

It is permissible to perform the funeral prayer for a person whose body lies in another town, even if it is not far away. But such a prayer does not remove the Communal obligation from the people of the town where the deceased died.

It is not permissible to perform the funeral prayer over someone, who is absent from the place of prayer when the body is in the same town. However, it is permissible if it is at on the border of the city when the city is large and it is problematic to reach.

@22.4.19 If part of the body of a person whose death has been verified is found, then it is obligatory to wash, shroud, and pray over it even if the part is a fingernail or hair. This is because there is no difference between a little and a lot,

provided the part was not separated from him after death, and provided the rest of his body has not been prayed over, if it has, then it is not obligatory to pray over the part.

@22.4.20 Burial of martyrs

It is unlawful to wash the body of a martyr, even if the martyr was in a state of major ritual impurity (janaba) or the like, or perform the funeral prayer over him.

The classification of a martyr is given in the Prophet quotation – may Allah venerate him and give him peace –

“The classification of martyrs is five:

Whosoever dies from the plague. Whosoever dies from a disease of the stomach. Whosoever dies by drowning. Whosoever is killed by the collapse of a wall, and whosoever is killed in the Cause of Allah.”

Amongst the definition of a martyr is someone who died in battle or died from wounds sustained during the battle with non-Muslims.

It is best to bury the martyr in his bloodstained clothes, although the responsible family member may nevertheless remove the garments and shroud the body before burial.

A martyr is not one who kills himself in a suicide bombing, because such acts are completely forbidden by Allah, and His Prophet – may Allah venerate him and give him peace – no matter what the circumstances maybe. Also, there is no deviation in its prohibition by the four legitimate Sunni of Islamic schools of jurisprudence, The prohibition of taking one's life by any means is also forbidden in Judaism and Christianity. However the Wahabi (Kharijies) clerics and nationalistic Islamists are at fault when they encourage the youth and women to commit suicide while killing their enemy instead of spending the energy and struggle to invite them to Islam.

The Prophet - may Allah venerate him and give him peace - warned, “Whosoever kills himself with an instrument will be punished with that instrument on the Day of Judgement.”

Those who kill themselves in suicidal missions die in disbelief and often take the lives of non-combatants, women and children together with Muslim by-standers not party to their heinous act as in the blowing up of the World Trade Center in New York. Islam completely forbids the taking of any of these lives, and as we mentioned earlier, the killing of a Muslim by another Muslim condemns the killer to Hell for all eternity..

It is a disgrace that Islam, which bears the meaning of peace, and whose Prophet Muhammad – may Allah venerate him and give him peace – was sent

as a mercy for all the world, be linked with such unbelieving, merciless activities. Such activities, when analyzed, are rooted in the ignorance of Islam. These unIslamic roots are found deeply embedded in either nationalism, heretical doctrines or both, in which people such as Arafat, and Osama bin Laden - whose merciless heretical Wahabi (Kharijies) cult – feed on the ignorance of the Muslim masses and have become their “prophets” because it is, to them they hear and obey, rather than hearing and obeying the clear instructions of Prophet Muhammad – may Allah venerate him and give him peace.

@22.4.21 Burial of a stillborn

A premature baby, that is one born before six full months, dies it is treated as an adult if it cried, sneezed, or coughed during birth, or showed movement. It is therefore obligatory to wash, shroud, pray over, and bury the baby, since its life and death have been verified.

If the baby did not, then:

1. if it had reached four months in the womb, which is the time at which the spirit is breathed into it, then it is washed before burial but not prayed over;
2. but if it had not, it is only obligatory to bury it.

@22.4.22 Carrying the deceased to the grave

The burial should take place immediately after the funeral prayer and not be delayed to wait for anyone except the responsible family member, provided he is reasonably nearby, if it is not feared that the condition of the body will change. If it is feared, then the family member is not to be awaited.

@14.4.23 The bier is often carried by four or five men and it is best that it is carried by its poles resting on the shoulder of each man, two in the front and two at the back - the poles being parallel with the bier as means of a support. When a fifth man assists he should be between the poles in the front. It is recommended that the bearers walk at a quickened pace, but they should not trot.

@22.4.24 It is recommended for men to follow close behind the bier to the place of burial.

It is offensive to follow the bier with fire or incense burners, which are likewise offensive at the burial.

@*Chapter 22.5.0: BURIAL

@22.5.1 Then the deceased is buried. It is best to bury him in the cemetery. It is unlawful to bury someone where another person has been buried unless the previous body has completely disintegrated so that neither flesh, nor bone remains. It is also unlawful to bury two people in the same grave unless absolutely necessary, as when there has been much killing or death. In such a situation a wall of earth is made between the two bodies as a barrier. If the

bodies differ in gender, this is even more imperative, especially, when two people are not related.

If someone dies on a ship and it is impossible to bury him on land, the body is placed between two planks to reduce bloating and cast into the sea so that it might reach the shore, even if there is the possibility that it might come ashore in a place where the inhabitants are non-Muslims. This is because there might be a Muslim amongst them who finds the corpse and buries it facing the direction of prayer (qibla).

@22.5.2 Digging the grave

The obligatory minimum for a grave is that it conceals the odor of the body and is protected from being dug up and eaten by animals. It is recommended to make the grave wider than the obligatory minimum and that its depth equals the height of an average man with his arm fully extended upward.

A “lahd”, is a grave with a lateral hollow large enough for the body that is dug into the side of the bottom of the grave, that is, towards the direction of prayer (qibla). It is superior to a “shaqq” unless the earth is soft in which case the grave might cave in on the deceased.

A “shaqq” is a simple trench dug into the middle of the floor of the grave with low block walls raised along the side of the trench, in which the deceased is placed before the walls are ceilinged with blocks, over which the earth is shoveled back into the grave on top of the them.

It is offensive to bury the deceased in a coffin or to put in a pillow for him, because all of this wastes money and is without of any benefit, unless the earth is soft or moist in both cases it is not offensive. If the case is otherwise, then even if a coffin was stipulated by the deceased in his will, it is not to be provided.

@22.5.3 Burying the deceased

Men should bury the dead, even if the deceased is female, in which case if the husband is able he is best suited, or those listed in the funeral prayer preference order (22.4.3).

However, when two are on the same level, such as two sons or brothers, the one most learned in Sacred Law takes preference over the eldest, which is unlike the order for the prayer. The reason for this is that the knowledgeable person is more likely to be familiar with the rules of burial.

It is recommended that the number of men burying the deceased be an odd number.

@22.5.4 It is preferable to conceal the grave with a cloth while placing the body in it. A blanket is stretched over the grave about half a meter above the level of

the ground with helpers holding each corner, while another person stands in the grave at the foot end, ready to take the body from the bier. This is especially necessary when burying a female, and is done because something might be disclosed of the deceased that is desirable to conceal.

The head of the deceased is placed near the foot of the grave, "foot" meaning the end which will accommodate the feet when the body is in place, and the body is slid from the bier head-first.

It is recommended for the person burying the deceased, who is standing in the grave taking the body, and there may be more than one, to say to the deceased:

1. "In the Name of Allah and according the Religion of the Messenger of Allah, may Allah venerate him and give him peace."
2. to supplicate to Allah for His forgiveness of the deceased;
3. to place a block as a pillow for him, and to pull back the shroud sufficiently to lay his cheek directly on the surface of the block;
4. and to place the deceased upon his right side.

It is obligatory, that the body be placed facing the direction of prayer (qibla). If it is not buried facing the direction of prayer, or is lying on his back, then the deceased is to be disinterred and reburied facing the direction of prayer.

@22.5.5 The lateral hollow dug into the side of the grave (the lahd (22.5.2) for the body is walled up with blocks after the body has been placed in it, before filling in the grave. It is Prophetic practice to use nine blocks.

@22.5.6 The person at the grave sprinkles, using both hands, three scoops of earth into the grave. It is Prophetic practice to say with the first, "We created you from it", with the second, "And it We shall restore you" and with the third, "And from it We will bring you forth yet a second time." (Koran 20.55). Then the grave is filled in, using shovels, after which one stays for a moment:

1. to instruct the deceased (dis: w-32) with the answers he will need to know when the angels Munkar and Nakir (5.3.3) question him in the grave about his Lord, religion, and Prophet;
2. to supplicate for him, such as to say, "O Allah, make him steadfast. O Allah, teach him his pleas";
3. and to ask forgiveness for him.

@22.5.7 The finished grave

One should raise the grave's surface up to 1 span of the hand which is approximately 23 cm. above the ground, so that it can be known, visited, and respected, except in countries at war with the Muslims where it is concealed rather than raised to avoid being vandalized. In such cases it is better to make its top flat. No earth, other than that excavated, should be added when leveling the grave. It is recommended to sprinkle water over the grave and to put pebbles on it.

It is offensive:

1. to whiten the grave with plasters
2. to build a cupola or house over it;
3. to put khaluq, which is a perfume on the grave because it is of no benefit and wastes money or rose water;
4. to place an inscription on it, no matter whether it is the name of the deceased or something other, on a board at the head of the grave or on something else; unless the deceased is a friend of Allah (wali, def: w-33) or religious scholar, in which case his name is written so that he may be visited and honored which is not offensive;
5. or to put a pillow or mattress under the deceased.

@22.5.8 Visiting graves

It is recommended for men to visit the graves (dis: w-34) of Muslims, especially on Fridays. As for visiting the graves of non-Muslims, it is permissible. The spirit of the dead person has a connection with his grave that is never severed, but is stronger from the mid-afternoon prayer ('asr) on Thursday until sunrise on Saturday, which is why people often visit graves on Friday and on Thursday afternoons.

There is no harm in wearing one's shoes when visiting to walk between the graves. The visitor should walk up to the grave in the same proximity as if the deceased were alive, and say, "Peace be unto you, abode of a believing folk; Allah willing, we will be joining you."

It is Prophetic practice to recite as much of the Koran as is easy, and then, facing the direction of prayer, to supplicate Allah for His forgiveness of the deceased. Supplications benefit the dead and are more likely to be answered if made after reciting the Koran. n: w-35 discusses whether the spiritual reward for reciting the Koran may be donated to the deceased.

@22.5.9 It is offensive for women to visit graves because of their lack of strength and excessive grief. However, this does not apply to visiting the Prophet's tomb - may Allah venerate him and give him peace - which they should do, as well as visiting the graves of other prophets, the righteous and learned.

@*Chapter 22.6.0: CONSOLING THE NEXT OF KIN

@22.6.1 It is recommended to console all the relatives of the deceased, except young women who are not the consoler's unmarriageable kin. Only her unmarriageable relatives (mahram, def: 17.6.2) may console her. "Console" meaning, to enjoin steadfastness and encourage by mentioning the reward in the Everlasting life, and to warn against overburdening oneself with grief. It also includes praying for the forgiveness for the deceased, and the lightening of the burden of those grieving for approximately three days after the burial.

It is offensive for the extended family, male or female, of the deceased to be seated and gather in one place for people to come and console them. This is because it is an innovation (muhdath, syn, bid'a. def. w-29.3) that the Prophet - may Allah venerate him and give him peace - did not do, neither those after him.

If one is absent, no matter whether one is the consoler or person to be consoled, arrives after a period of three days, one should console the deceased's relatives or be consoled if related to the deceased.

@22.6.2 It is recommended to say:

1. to a Muslim who has lost a Muslim relative, "May Allah increase your reward, perfect your consolation, and forgive your deceased";
2. to a Muslim who has lost a non-Muslim relative. "May Allah increase your reward and perfect your consolation";
3. and to a non-Muslim who has lost a Muslim relative, "May Allah perfect your consolation and forgive your deceased."

@22.6.3 Permissible weeping

It is permissible to weep before someone dies, but better not afterwards since the Prophet - may Allah venerate him and give him peace - wept for his son Ibrahim before his death. It is only considered better not to weep afterwards because it is sorrow for something that has already passed.

@22.6.4 Eulogies, lamentations, etc., that are unlawful 22.6.4

It is unlawful to eulogize the dead, lament in a raised voice, slap one's cheeks as a display of grief, tear one's garments, or dishevel one's hair.

@22.6.5 It is recommended for distant relatives and neighbors to prepare enough food for the close relatives of the deceased's family relatives to suffice them for a day and a night, and to encourage them to eat.

@22.6.6 For the deceased's family to prepare food and gather people over it is an un-praiseworthy innovation (bid'a, def:w-29.3).

@*BOOK 23: INHERITANCE

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@*Chapter 23.1.0: Bequests (Wasiyya)

@ Sections 23.1, 23.2, and 23.3 have been moved here from their original place at the end of last book. They deal with bequests, meaning testamentary disposition of one's property (wasiyya) such as to say, "I bequeath such-and-such to so-and-so", while sections 23.4 through 23.10 form the original content of book L, and deal with estate division (irth).

The difference between bequests (wasiyya) and estate division (irth) is that a bequest is the act of a living person disposing of his own property, even if it is to be implemented after his death, while estate division occurs after his death according to the Koranic rules of inheritance. Because a bequest is the act of a

living person with his own money, it is legally valid for a Muslim to bequeath up to a third of his property to a non-Muslim (dis:23.3.13(1)) and similarly valid for a non-Muslim to bequeath his property to a Muslim, Nawawi says:

"A bequest is legally valid from any legally responsible free person, even if non-Muslim (Mughni al-muhtaj ila ma'rifa ma'ani alfaz al-Minhaj (y-73), 3.39. But it is invalid and unlawful for a non-Muslim to inherit property through estate division from a Muslim (dis: 23.5.2), or vice versa. The determining factor in the permissibility of a Muslim and non-Muslim inheriting from each other is whether the property comes by way of a bequest (wasiyya) made by the deceased before his death in which case it is permissible. If it comes by way of estate division (irth) made after the deceased's death then according to the Koranic rules of inheritance, it is prevented due to the difference between their respective religions.

Our author only mentions bequests at this point (at the end of Book K, as mentioned above), before estate division because of the fact that a person first makes bequests, then dies, and then the estate is divided.

The scriptural basis for the validity of bequests, prior to the consensus of scholars is the Word of Allah, the Most High,
"....after any bequest you have bequeathed, or any debt" (Koran 4.12).

(Given persons X (al-musi), Y (al-wasiyy), and Z (al-musa lahu) (A:where X has made provision in his will for Z to receive a bequest (wasiyya) of a sum of money, and X appoint Y as his executor to make sure this is done).)

@23.1.1 A bequest made by X is valid if he is legally responsible (mukallaf,def:8.8.1), even if he is a spendthrift.

@23.1.2 The discussion is in two parts, namely, section 23.2, on X's appointing Y as the executor, and Section 23.3, on the bequest itself.

@*Chapter 23.2.0: THE EXECUTOR OF BEQUESTS

@ Appointing an executor means for X to put Y in charge of his property and young children, bequests, paying his debts, or collecting his property from others. The verbal form is, "I appoint so-and-so to execute such-and-such a bequest."

@23.2.1 The necessary conditions for the validity of X appointing Y as the executor of his bequest are that Y is:

- (a) legally responsible (mukallaf, def:8.8.1);
- (b) upright (9.24.4) meaning the uprightness of Islam, as it is not valid under any circumstances for Y to be a non-Muslim if X is a Muslim;
- (c) and that Y has the knowledge and capacity to properly undertake the bequest.

@23.2.2 The following are examples of X appointing Y as the executor of his bequest are legally valid:

1. when X appoints Y as his executor at a time when Y is not legally eligible to be it, but by the time of X's death, Y is eligible through the fulfillment of all the conditions mentioned in 23.2.1;
2. when X appoints a group of two or more people as his executors. If he does so, and does not stipulate that each of them must manage their respective role, but rather says that they are to manage the legacy collectively, or does not say anything, then they must cooperate and not manage the work, maintenance, and dealings as separate individuals. "Cooperate" in such a case means that their acts proceed from the decision of the group, and does not mean, for example, that when they buy something they must all conduct the transaction together. Rather, if all agree to permit something, it is sufficient for one of them to take the matter in hand and carry it out;
3. when X appoints for example, W, and then after him, Y or vice versa, saying, "I appoint W as executor until Y comes, but when Y arrives, he is the executor," or "I make W executor for one year, and when it has passed, Y is the executor";
4. or when X appoints Y as executor, authorizing him to appoint in turn whomever he chooses as executor of the bequest as long as the person fulfills the conditions in 23.2.1.

@23.2.3 Appointment not valid until executor accepts 23.2.3

X's appointing Y as the executor of his bequest is not legally effective until Y accepts this responsibility after X's death, even if this acceptance is not immediately thereafter.

Both X and Y are entitled to cancel the appointment of Y as executor of the bequest whenever they wish unless, after X's death, Y feels it almost certain that the property will be lost through a wrongdoer appropriating it, in which case Y may not withdraw as executor, meaning it is unlawful for him to do so. In such a case, if Y withdraws of his own choice, he is not thereby free of having to execute the bequest, although there is no obligation upon him to continue therein without remuneration, but does so for a fee.

@23.2.4 Executor only appointed to supervise good deeds

It is not legally valid to appoint an executor unless the bequest consists of some good work or pious act such as paying off a debt, making up a pilgrimage (dis:21.1.9), looking after the welfare of one's children, and so forth excluding actions that are not dispositions of property, or marrying off the children, and excluding acts of disobedience such as those mentioned above at 16.30.6(6).

@23.2.5 When X's father is still alive and fit for guardianship (def:17.13.2), X may not appoint Y to look after the welfare of his children.

@*Chapter 23.3.0: THE BEQUEST

@23.3.1

X may devote one-third or less of his financial resources to bequests, but not more than this, one-third meaning a third of his property as it stands at the time of his death - not before or afterwards.

If there are no Muslim heirs, or if the existent Muslim heirs do not deserve the whole estate, such as when the sole eligible estate division heir is a husband or wife (dis:23.6.3-4), then the Hanafi school permits disposing of more than a third of one's property in bequests (dis:w-44). "More than a third" meaning everything in excess what one's eligible heirs deserve by estate division (irth).

The ruling in the Shafi'i school is that such an excess may not be disposed of in bequests, but rather is given to the Islamic treasury (Bayt al-mal) if it exists, as mentioned below (23.3.3(O:) and 23.9.1).

@23.3.2 Recommended amount of bequest

If X's heirs (23.4.4) are not poor, it is recommended for X to devote a full one-third to bequests, but if not, for example if his heirs are not well off, as when they do not have any money at all, or have some, but not enough for their expenses, and the other two-thirds of the estate that constitutes their obligatory shares is insufficient, then it is not recommended for X to devote a full one-third to bequests.

@23.3.3 If X wills more than one-third in bequests, then his dispositions are not valid regarding the portion in excess of one-third when he has no one to lawfully inherit the rest, who, if they existed, could give permission for the excess, as discussed below.

In cases where there are no heirs, the Muslim people have better right to X's property, and no one may waive this right.

Nor are X's bequests in excess of one-third valid when he has an heir, but the heir refuses to authorize the excess. However, if the heir or group of heirs unanimously permit it, such a bequest is valid. It is not valid for the heir to authorize the excess or refuse to do so until after X's death.

@23.3.4 Charitable expenditures made by X in his will such as an endowment (waqf, def:16.30), gift, and so forth are considered as part of the bequeathal one-third.

@23.3.5 Bequests concerning obligatory expenditures are also considered from the bequeathal one-third, provided that X has stipulated that they come from it. However, if the bequeathal third does not cover these despite X having stipulated that they come from it, then the excess is paid from the remaining two-thirds.

Obligatory expenditures include such things as paying debts, making up the pilgrimage (dis:21.1.9), paying the obligatory charity (zakat) for any year in which the deceased neglected to pay, expiations, and the fulfillment of vows that would

have been binding had X been well. However, if X did not stipulate that these obligatory expenditures come from the bequeathal one-third, then they come directly from the other two-thirds.

@23.3.6 Current charitable dispositions of property:

Current charitable dispositions of property made by X during his life, such as establishing an endowment (waqf, 16.30), giving a gift or others, are considered as personal expenditures of his own money and he could spend it all without any objection if made while he was in sound health. However, if X makes such current dispositions under any of the following circumstances, when these are linked with his death, then the dispositions are considered as having come from the bequeathal one-third:

1. in the final illness which brought about X's death;
2. in military combat;
3. while travelling on rough seas in a storm;
4. as a final request before being killed;
5. or, if female, X dies while giving birth, or afterwards before separation of the placenta.

If otherwise, meaning if the current charitable disposition was not made under any of the above circumstances, or was, but the circumstance was not linked with X's death, then the disposition is not taken from the bequeathal one-third.

@23.3.7 We distinguish between the above-mentioned current dispositions such as gifts, endowments, and donations, and between bequests by noting that current dispositions are effective before X's death, while bequests are effective after. "Current dispositions" are normally implemented even if X uses up all his money, while bequests, unless X's heirs unanimously agree to allow otherwise, are restricted to one-third of the estate.

An exception to permitting "current dispositions" to amount to as much of X's property as he wishes is when they are effected during his death illness or other circumstances mentioned in 23.3.6, in which case they are limited to one-third of the estate, in the same way of bequests.

If one-third of the estate does not cover the cost of the "current dispositions" which X made during his final illness, then if these have been given in some order they are implemented first thing first, then second, then third, and so on.

The following is an example of the meaning of "Implementing them by order". If during his death illness, X said to his three friends P, Q, and R, "I give P a gift of 100 dinars, Q 100 dinars, and R 100 dinars," but it turns out that X's total estate is only 600 dinars, then his gifts to P and Q are valid, but we take back his gift to R, which is not valid because it exceeds the 200 dinars that is a third of the 600 dinars constituting the whole estate.

@23.3.8 Heirs may authorize bequests of over one-third:

The bequeathal one-third of the estate is divided proportionally if shares vary between all the recipients X designates when:

1. in cases of death illness current dispositions such as gifts X did not state them in any particular order, such as by saying in a situation like the above example 23.3.7, to P,Q, and R, "I give you each a hundred dinars," in which case the bequeathal one-third is divided between them:
2. or in cases where X has explicitly made bequests, the bequeathal one-third will not cover all the bequests, whether they were made separately or not.

All of the above (23.3.6-8) only holds if the heirs do not agree to permit more than one-third of the estate for bequests or current dispositions, since if they unanimously agree, it may exceed a third, even if it takes the whole estate.

@23.3.9 Bequests made to nonspecific individuals such as the poor are effective when X dies. They own the property without the fact of ownership depending on their acceptance.

@23.3.10 Bequest's ownership suspended until recipient accepts

When X bequeaths something to Z, a particular individual, the ownership of the article bequeathed is suspended, meaning that if Z accepts it after X's death, even if after some time has passed, then Z has owned it from the moment X died; but if Z declines to accept it, then X's heirs own it. If Z accepts it, but then refuses it before having taken possession of it (def:16.7.3) this cancels his ownership of it, though if he refuses after having taken possession of it, it does not cancel his ownership as his refusal is meaningless in such a case.

@23.3.11 Bequests may be subject to conditions:

It is permissible to make the implementation of a bequest subject to a condition, whether the condition is something occurring before X's death. For example, such as his saying, "If Z enters so-and-so's house, I bequeath to him such-and-such of my property," or after such as his saying, "If Z enters so-and-so's house after my death, I bequeath to him such-and-such of my property."

@23.3.12 Things that may be bequeathed

It is permissible to bequeath any of the following:

1. the right to utilize something, while not bequeathing the actual thing;
2. specified things;
3. something not yet existent, such as "what this tree will bear";
4. something not determinately known, whether it be an unknown thing such as "the contents of this box", or something unknown in amount;
5. something undeliverable (non-16.2.4);
6. something not currently owned at the time the bequest is made, but which X owns at the time of his death;

7. or something impure (najasa, def:20.14.1) that has a lawful use, such as a trained hunting dog, or oil contaminated with impurity; though not something impure that is without lawful use, such as wine or pigs.

@23.3.13 Those to whom bequests are valid

It is permissible for X to bequeath something to Z even if Z is:

1. a non-Muslim at war with Muslims, and with still better right when Z is an ordinary non-Muslim;
2. a Jewish or Christian subject of an Islamic state;
3. an apostate from Islam;
4. the person who kills X – in this case Z and heirs will not receive a penny
5. X's heir (23.4.4), provided X's other heirs permit him to receive it, if they do not, then the bequest is not fulfilled;
6. or to an infant yet unborn, in which case the bequest is paid to the person such as its guardian who knows of the unborn's existence at the time X makes the bequest. This is providing the child is either born alive within six months of the time the bequest is made, or is born alive more than six months and less than four years after the bequest is made, during which time the mother has had no husband from whom the pregnancy could have resulted.

@23.3.14 Canceling one's bequests

If X makes some article a bequest but then changes his mind, his taking it back is valid, and the bequest is annulled.

X's doing any of the following is also considered taking it back and therefore cancels the bequest:

1. X's loss of ownership of the bequeathed article, such as by sale or gift;
2. X's subjecting the article to loss of ownership by putting it up as collateral, offering it for sale, or making another bequest that stipulates that it be sold;
3. or, when the name of the article changes, such as wheat being ground into flour, flour made into dough, yarn woven into fabric, or when X mixes a particular article with other goods.

@23.3.15 If Z dies before X, the bequest of X becomes invalid.

If Z dies after X but before Z accepts the bequest, then Z's heirs have the option to either accept or reject the bequest.

@*Chapter 23.4.0: ESTATE DIVISION (Irth)

@ "Estate division" refers to the share allotted to each heir by the Sacred Law.

The scriptural basis for estate division, prior to the consensus of scholars, consists of the Koranic verses on inheritance (Koran 4;11-2,4.176) and Prophetic quotations (Ahadiths) such as the one related by Bukhari and Muslim that the Prophet - may Allah venerate him and give him peace – said:

"Give the obligatory shares of the estate to those who deserve them, and the rest belongs to the closest male to the deceased."

Encouragement to master the knowledge of estate division comes from such Prophetic quotations (Ahadiths) as the one reported from Ibn Mas'ud (may Allah be pleased with him) that the Prophet - may Allah venerate him and give him peace – said:

"Learn estate division and teach it to people, for I am someone who will be taken from you, and this knowledge will be taken from you and calamities will ensure, until two men will one day disagree about the obligatory apportionment and will not find anyone to judge between them."

@23.4.1 How to workout an estate division problem

To work an estate division problem, one should:

(a) determine the amount of the deceased's estate after deducting the expenses listed in 23.4.2-3;

(b) make a list showing which of the deceased's heirs mentioned in 23.4.4 exist;

(c) eliminate from the list any heirs with preventives as given in 23.5.1-4;

(d) on a sheet of paper, copy the parenthesized introductory paragraph ("Summary of - 's share,") for every heir that exists, such as the deceased's:

1. husband (dis: 23.6.3);

2. wife (23.6.4);

3. father (23.6.5);

4. mother (23.6.6);

5. daughter (23.6.7);

[for sons see 12, L6.22]

As mentioned at 23.6.8, the shares of the above-named family members are not eliminated by anyone, though the shares of those named below may be eliminated by the existence of certain other heirs.

6. son's daughter (23.6.9);

7. full sister (23.6.10);

8. half-sister from the same father (23.6.11);

9. paternal grandfather (23.6.13);

10. grandmother (23.6.18)

11. half-brother or half-sister from the same mother (23.6.20);

12. and then the others (sons and so forth) mentioned at 23.6.22;

(e) read section 23.7 and cross off the list of heirs those whose shares are eliminated by the other existent heirs;

(f) if any universal heirs (23.10.5) exist, see which of them eliminates the shares of the other universal heirs, as at 23.10.6;

(g) make a table of the heirs remaining, after (e) and (f) above, like the tables shown at 23.6.6, where one writes the type of heir, the fraction each deserves (with the universal heir receiving the remainder, if any), and then at the top write the total shares (this being the common denominator of the fractions), after which one calculates the shares that go to each;

(h) if the fractions (of those besides the universal heir) add up to more than one (i.e. the total estate), then one must adjust for this as shown at 23.8.2; but if the fractions add up to less than the total estate and there is no universal heir to inherit the rest, then one must redistribute the shares as described at

23.9.1-2.

One may practice and test one's skill at estate division by reading through the present section and doing the problems depicted in the tables, though to do all the problems one must have (or memorize) a full worksheet that contains all the information mentioned in (d), (h), and (i), above, plus the rules concerning universal heirs discussed at 23.10.1-4.

Finally, it is best to check one's answers with an Islamic scholar, preferably a teacher from whom to take instruction, since this is a subject that is easier to acquire from its masters than from books.

@23.4.2 Expenses deducted from the estate prior to estate division

The first obligatory thing taken from X's property is the expense of preparing his body, such as the cost of the water to wash him, the washer's fee, cost of the shroud and perfume placed therein, pallbearers' fees, and so forth, and of burying him. These expenses are deducted before X's debts are paid, his bequests fulfilled, or his estate divided, unless there is a financial obligation due on the property itself, such as:

1. when there is zakat due from any year X neglected to pay it before his death;
2. when some of the property has been put up as collateral (dis: 16.11.2);
3. or when X dies bankrupt with unpaid-for merchandise among his property (A: which must be returned to the seller before paying other expenses from X's property).

@23.4.3 After the above are paid, the following measures are taken and the sequence given is obligatory:

1. X's debts are paid, though if a government takes non-Islamic estate taxes, these are deducted from the main part of the estate before debts or bequests, as any other loss would be;
2. then X's bequests (23.1-3) are carried out from a third of what remains after debts;
3. and then X's remaining property is divided between his estate division heirs.

@23.4.4 Heirs

X's male heirs consist of:

1. X's son;
2. X's son's son, son's son, and on down;
3. X's father;
4. X's father's father. The term grandfather throughout the book of inheritance refers only to this paternal grandfather), father's father's father, and on up;
5. X's full brother, or half-brother from X's father or mother;

6. the son of X's full brother, or son of X's half-brother from the same father;
7. X's father's full brother, or son of X's half-brother from the same father;
8. the son of X's father's full brother or father's half-brother from the same father;
9. and X's husband.

X's female heirs are:

1. X's daughter;
2. X's son's daughter, son's son's daughter, son's son's daughter, and on down;
3. X's mother;
4. X's grandmother (whether she is the mother of X's father or mother), great-grand-mother, and on up;
5. X's full sister, or half-sister from the same father or mother;
6. and X's wife.

@23.4.5 Extended family members who do not normally inherit

The following extended family members may not inherit from X's estate, except under the conditions discussed at 23.10.8

1. X's daughter's children, male or female;
2. X's maternal uncle's sons;
3. X's sister's children, the sons or daughters of X's daughter's children, or the sons or daughters of X's sister's children;
4. X's brother's daughters no matter whether full brothers or half-brothers from the same father;
5. X's father's brothers daughters, no matter whether full brother's or half-brother's from the same father;
6. X's father's half-brother from the same mother;
7. X's mother's father;
8. X's mother's brother or sister;
9. X's father's sister;
10. or anyone related to X through one of the above.

@*Chapter 23.5.0: THE FOUR PREVENTIVES OF INHERITING AN ESTATE DIVISION SHARE

@ "Preventive" means that if someone is an estate division heir (def:23.4.4) but one of the following characteristics exists in him, then he may not inherit.

In calculating the estate division, an heir who is made ineligible by a preventive is considered nonexistent. Such a person is non-heir, and as such is eligible for a bequest (23.1.0) if X wills him one.

@23.5.1 The Killer is forbidden to inherit the murdered:

The first to prevent from inheritance is killing. Whosoever kills X may not inherit from him, no matter whether the killing was:

1. lawful, as in retaliation (9.3) or imposing a criminal penalty;
2. without lawful right;
3. accidental;

4. intentional;
5. direct, such as Z shooting X while hunting, and the shot hitting X and killing him;
6. or when Z is a causal factor in X's death, such as testifying to an act of X's that calls for retaliation against X, or such as digging a well into which X falls.

To summarize, whosoever has a hand in X's death, no matter how, cannot inherit from him.

@23.5.2 Being a non-Muslim

The second preventive is being non-Muslim. A Muslim may not inherit from a non-Muslim, and a non-Muslim may not inherit from a Muslim (dis:23.1.0).

@23.5.3 Slavery

The third preventive is slavery.

@23.5.4 Uncertainty as to who died first

The fourth is uncertainty as to who died first, such as when X and Z both drown or both die in the collapse of a building, and it is not known who died before the other. In such a case neither may inherit from the other.

@*Chapter 23.6.0: THE ESTATE DIVISION SHARES

@23.6.1 The six obligatory shares mentioned in the Koran (Koran 4.11-12) are one-half, one-fourth, one-eighth, two-thirds, one-third and one-sixth.

@23.6.2 They go to ten categories:

1. X's husband;
2. X's wife;
3. X's father;
4. X's mother;
5. X's daughters;
6. X's son's daughters or the daughters of X's son's son, son's son, and on down;
7. X's sister;
8. X's paternal grandfather;
9. X's mother's or father's mother;
10. X's half-brothers or half-sisters from the same mother.

@23.6.3 Husband's share

A summary of X's husband's share:

1/2 if there is no inheriting descendant.

1/4 if there is an inheriting descendant.

The husband's share is not eliminated by anyone.

X's husband:

1. receives one-half the estate when X has no child who may inherit, even if the child is from a different husband. The word "child" (walad) includes both males and females of all ages, and X's son has no child who may inherit;
2. but receives one-fourth the estate when X has a child who may inherit, no matter whether the child is from X by this husband or a different husband, and whether male or female, or when X's son has a child who may inherit.

@23.6.4 Wife's share

A summary of X's wife's share:

1/4 if there is no inheriting descendant.

1/8 if there is an inheriting descendant.

The wife's share is not eliminated by anyone.

X's wife:

1. receives one-fourth the estate when X has no child to inherit even if by a different wife, and X's son has no child to inherit;
2. but receives one-eighth the estate when X has a child to inherit, or X's son has a child to inherit no matter whether X's son is from her or from another wife.

If there are two, three, or four wives, they jointly receive the one-fourth or one – eighth, meaning that the share apportioned to one wife is given to two or more i.e. to divide up between them.

@23.6.5 Father's share:

A summary of X's father's share:

1/6 if there is an inheriting descendant.

Universal heir (23.10.5) if there is no male inheriting descendant.

The father's share is not eliminated by anyone.

X's father:

1. receives one-sixth of the estate when X has a son to inherit, or when X's son has a son to inherit, or when X has a daughter or X's son has a daughter, who may inherit, though in such a case, the father takes the sixth plus the remainder of the estate as universal heir as discussed in the next section.
2. but is universal heir by himself, meaning he takes the whole estate if there are no others who have an obligatory share coming; or if there are such others, he receives the remainder of the estate after they have received their shares when X has no son to inherit and X's son has no son to inherit.

@23.6.6 Mother's share

A summary of X's mother's share:

1/6 if there is an inheriting descendant, or if there are two or more of X's brothers or sisters.

1/3 of the remainder after deducting the share of X's husband or wife in cases where the heirs include both X's father and the husband or wife but no inheriting descendant.

1/3 of the estate when none of the above mentioned heirs exists.

The mother's share is not eliminated by anyone.

X's mother:

1. receives one-third of the estate when all three of the following are the case:
 - (a) X has no child (male or female) who may inherit, nor does X's son;
 - (b) X does not have two or more brothers or sisters, whether full brothers or sisters or half-brothers or sisters from either parent;
 - (c) and the heirs do not include X's husband and X's two parents, or X's wife and two parents of which X's mother is one;
2. she receives one-sixth of the estate when (non-(a) above) X has a child who may inherit, or when (non-(b)) X has two or more brothers or sisters;
3. and she receives one-third of the remainder after deducting the share of X's husband or wife when:
(non-(c) above) the heirs include X's husband and two parents, in which case she receives one-third of the remainder after X's husband receives his share of one-half, meaning she receives a sixth of the estate, as that is a third of the remainder, and X's father receives the rest:

Shares *6		
husband	1/2	3
mother	1/6	1
father	universal heir	2

(* common denominator of 1/2 and 1/6)

or (non-(c) above) when the heirs include X's wife and two parents in which case she receives one-third of the remainder after X's wife receives her share of one-fourth, meaning that the mother receives one-fourth of the estate, as that is a third of the remainder, and the father receives the rest:

Shares 4		
wife	1/4	1
mother	1/4	1
father	universal heir	2

@23.6.7 Daughter's share:

A summary of X's daughter's share:

1/2 if there are no other of X's sons or daughters whether full or half-brothers or sisters to her.

2/3 for her to share equally if there are no sons with other daughters, if any.

She is co-universal heir (def:23.10.3) with X's sons(s) if existent, meaning that they jointly constitute the universal heir, dividing this share so that each male receives twice the amount of each female, this is because of the obligation of men to support women in Islam (dis:17.11) and not vice versa.

The daughter's share is not eliminated by anyone.

1. X's sole daughter who is without a co-universal heir such as her brother, and without someone else on her own level, such as her sister receives half of the estate.
2. Two or more daughters jointly receive two-thirds.

@23.6.8 Persons eliminated by intervening heirs

It is important to remember for the persons named in the following rulings that the share of any of them who is related to X through an inheriting heir is eliminated by the existence of that heir (dis:23.7.4-6), except for X's half-brother from the same mother, whose share is not eliminated by the mother's existence.

@23.6.9 A summary of the share of X's son's daughter:

Her share is eliminated if X's son exist (an example of the above rule).

1/2 if X has no daughter, son's son, or any other daughter of a son.

2/3 for her to share equally with the other daughters of X's son/s, if X has no daughter/s or son's son/s.

1/6 when there is a sole daughter (def:23.6.7(1)).

She is co-universal heir (def:23.10.3) with X's son's son/s in the absence of X's daughter, dividing this share of each male receives twice the share of each female.

Her share is eliminated when X has two or more daughters.

When X's sole daughter (def:23.6.7(1)) exists, X's son's daughter/s (if there are more than one, they share) receives one-sixth of the estate, which with the sole daughter's share of one-half, makes two-thirds, which is the maximum that may go to the category of daughters.

@23.6.10 Sister's share

A summary of the share of X's full sister:

1/2 if there are no other full brothers or sisters.

2/3 for her to share equally with other full sisters.

She is co-universal heir (def:23.10.3) with full brother/s if any, each male receiving twice the share of each female.

She is universal heir through X's daughter/s (23.0.4)

Her share is eliminated if X's father or X's son exists.

1. X's sole full sister, meaning no other full brothers or sisters exist, receives one-half of the estate.
2. Two or more such sisters when there are no full brothers jointly receive two-thirds.

23.6.12 discusses X's full sister/s with X's daughters.

@23.6.11 Paternal half-sister's share

A summary of the share of X's half-sister from the same father:

1/2 in the absence of X's full brother, full sister, other half-sister from the same father, and half-brother from the same father.

2/3 for her to share equally with other half-sister/s from the same father, when there are no full brothers or sisters, and no half-brothers from the same father.

1/6 when there is X's sole full sister.

She is universal heir through X's daughters or X's son's daughters (def:23.10.4) provided there are no full brothers or sisters, or half-brothers from the same father.

She is co-universal heir (def:23.10.3) with X's half-brother/s from the same father, the male receiving twice the share of each female.

Her share is eliminated if X's father or son exists.

1. X's sole half-sister from the same father receives one-half of the estate.
2. Two or more such paternal half-sisters jointly receive two-thirds.
3. When such a half-sister, or two or more, exists with X's sole full sister, then the half-sister/s, jointly if more than one, receive one-sixth, which with the half that goes to the full sister, makes two-thirds.

@23.6.12 Full sister's share when daughter exists:

X's full sister/s is universal heir through X's daughter/s (def:23.10.4). If X has no full sisters, X's half-sisters by the same father are the estate's universal heirs through X's daughter/s (23.10.4).

An example of the former is when the heirs are X's daughter and full sister. The daughter receives one-half (dis:23.6.7(1)), and the sister receives the rest as universal heir:

shares: 2

daughter	1/2	1
full sister	universal heir	1

Another example is when there are X's two daughters, a full sister, and a paternal half-sister, in which case the two daughters jointly receive two-thirds (dis: 23.6.7(2)), and the full sister receives the rest, as universal heir, while the paternal half-sister's share is eliminated by the full sister's universal heirship :

shares 3

2 daughters	2/3	2
full sister	universal heir	1
half-sister	eliminated	0

@23.6.13 Paternal grandfather's share
summary of X's paternal grandfather's share:

His share is eliminated if X's father exists.

1/6 if X has an inheriting male descendant.

He is universal heir in the absence of both X's father and any inheriting male descendant.

If X's brother/s or sister/s exists, then:

1. when there is no other heir who has an obligatory share coming, then the grandfather receives whichever of the following two alternatives yields the maximum:

1/3 of the estate;

or dividing the estate with X's brother/s or sister/s as if he were one of them, the male receiving twice the share of the female. If only X's sister/s exist, then she becomes co-universal heir (def:23.10.3) with him;

2. but when there are one or more other heirs who have no obligatory share coming besides the brother/s or sister/s, then the grandfather receives whichever of the following three alternatives yields the maximum:

1/6 of the estate;

1/3 of the remainder after those who are neither a brother or sister heir(s) receive their share; or dividing the estate with X's brother/s or sister/s as if he were one

of them, the male receiving twice the share of the female. If only X's sister/s exist, then she becomes co-universal heir (23.10.3) with him.

As for the grandfather, sometimes X's brothers or sisters exist with him and sometimes they do not. When they do not, then the grandfather receives one-sixth of the estate of X's son or son's son, or X's daughters or son's daughters exist, but in such a case he takes the sixth plus the rest as universal heir; while the grandfather is the universal heir (23.10.5) in the absence of X's son or son's son or daughter or son's daughter.

When X's full or paternal half-brothers or sisters exist, then sometimes there are other inheriting heirs (dis:23.6.15) and sometimes not (23.6.14).

@23.6.14 When, besides X's brother/s or sister/s, the grandfather's co-survivors do not include other inheriting heirs, the grandfather divides the estate with the brothers and sisters as if he were one of them, and if there are only sisters is co-universal heir (23.10.3) with the sisters.

But such a division is only effected when it does not result in less than one-third of the estate going to the grandfather. If it would result in less than a third for him, then his obligatory share is one-third of the estate, and the brothers or sisters divide the rest between them, the males receiving the share of two females. This is illustrated by the following examples in each of which the grandfather receives at least a third:

1. X's grandfather and one sister:

	shares: 3
grandfather	2
sister	1

2. grandfather and two sisters:

	shares: 4
grandfather	2
sister	1
sister	1

3. grandfather and three sisters:

	shares: 5
grandfather	2

sister	1
sister	1
sister	1

4. grandfather and four sisters:

shares: 6

grandfather	2
sister	1
sister	1
sister	1
sister	1

5. grandfather and one brother:

shares: 2

grandfather	1
brother	1

6. grandfather and two brothers:

shares: 3

grandfather	1
brother	1
brother	1

7. grandfather, brother, and sister:

shares: 5

grandfather	2
brother	2

sister	1
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8. grandfather, brother, and two sisters:

shares: 6

grandfather	2
brother	2
sister	1
sister	1

In each of the above examples, the grandfather divides the estate with them, the male receiving the share of two females.

@23.6.15 When, besides X's brothers or sisters, the grandfather's co-survivors include another inheriting heir, then the heir is given his share, and the grandfather receives the maximal amount of three possibilities:

- (a) "division", meaning to divide it with the brothers or sisters as in the above examples;
- (b) a third of the remainder, taking a third of what remains after the non-brother/sister heir has taken his share;
- (c) or one-sixth of the estate as the estate stands before the above-mentioned heir has received his share

This ruling may be illustrated by the following four examples:

1. X's husband, grandfather, and brother, where division is better for the grandfather. To show why division ((a) above) is better, we may compare the three possibilities ((a), (b) and (c)) for this example:

(a) division:

shares : 4

husband	1/2 (dis: 23.6.3(1))	2
grandfather	)	( 1
)	(
brother	)	( 1

(b) third of remainder after the husband's share;

shares: 6

husband	1/2	3
grandfather	1/3 remainder	1
brother	universal	2

(c) sixth of estate:

shares: 6

husband	$\frac{1}{2}$	3
grandfather	1/6 estate	1
brother	universal	2

The comparison reveals that division, giving the grandfather 1/4, is better than the other alternatives, which only give him 1/6, and so division is the alternative that must be implemented.

2. X's two daughters, two brothers, and grandfather, where a sixth of the estate is better for him.

Comparison:

(a) division:

shares: 9

Daughter	)		(	3
	)	2/3 (dis. 23.6.7(2))	(
daughter	)		(	3
grandfather				1
brother	)		(	1
	)	division	(
brother	)		(	1

(b) third of remainder (after the daughters share) :

shares: 9

daughter	)		( 3
	)	2/3	(
daughter	)		( 3
grandfather		1/3 remainder	1
brother	)		) 1
	)	universal)
brother	)		) 1

(c) sixth of estate:

shares: 12

daughter	)		) 4
	)	2/3)
daughter	)		) 4
grandfather		1/6 estate	2
brother	)		) 1
	)	universal)
brother	)		) 1

The comparison reveals that a sixth of the estate is better than the other alternatives, which only give him 1/9, and so the former is the alternative that must be implemented.

3. X's wife, three brothers, and grandfather, where a third of the remainder is better for him.

Comparison:

(a) division:

shares: 16

wife		1/4 (dis: 23.6.4(1))	4
grandfather	)		) 3
brother	)		) 3
brother	)	division	) 3
brother	)		) 3

(b) third of remainder (after the wife's share) :

shares: 12

wife	1/4		3	
grandfather		1/3 remainder		3
brother	)		) 2	
brother	)	universal	) 2	
brother	)		) 2	

(c) sixth of estate:

shares: 36

wife	1/4		9	
grandfather		1/6 estate		6
brother	)		) 7	
brother	)	universal	) 7	
brother	)		) 7	

The comparison reveals that a third of the remainder, which gives the grandfather 1/4, is better for him than division with the brothers, which gives him 3/16, or a sixth of the estate, so he must receive a third of the remainder.

4. X's two daughters, mother, grandfather, and brothers, where a sixth of the estate is better for him.

Comparison:

(a) division:

shares: 6

daughter	)		) 2	
	)	2/3 (dis: L6.7(2)))	
daughter	)		) 2	
mother		1/6 (dis: 23.6.6(2))		1
grandfather))	
	)	division	) 1	
brothers))	

(b) third of remainder, after the shares of the daughters and mother:

shares: 18

daughter	)		) 6	
	)	2/3)	
daughter	)		) 6	
mother		1/6		3

grandfather	1/3 remainder	1
brothers	universal	2

(c) sixth of estate:

shares: 6

daughter	)		) 2
	)	2/3)
daughter	)		) 2
mother		1/6	1
grandfather		1/6	1

In this case, there is no one who can eliminate the shares of the inheriting heirs above, who have used up the estate so that there is nothing left for the universal heir (the brothers) to inherit (dis: 23.10.5):

brothers	eliminated	0
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The comparison shows that a sixth of the estate is better for the grandfather than a third of the remainder, which would give him 1/16, or division with the brothers, which would give him 1/12 or less, and so he must receive a sixth of the estate.

@23.6.16 With both deceased's brothers and half-brothers

If both X's brothers and half-brothers from the same father exist with the grandfather, the brothers add the number of the half-brothers shares with their own shares in calculating their own versus the grandfather's, but then the brothers receive both their own shares and the half-brothers' shares. The latter are eliminated (dis: 23.7.3) by the brothers, but are initially reckoned in as a dispensation for the brothers.

This may be illustrated by the following example, in which there is X's grandfather, brother, and half-brother from the same father.

(initial division) shares: 3

grandfather	)		) 1
brother	)	division	) 1
half-brother	)		) 1

but then, because the brother eliminates the half-brother's share,
shares: 3

grandfather		1
brother		2
half-brother	eliminated	0

and this is the actual division.

In a second, similar case, if there is a sister, half-brother from the same father, and grandfather, then the half-brother's share is reckoned with the sister's share versus that of the grandfather, and her portion of the estate is brought up to one-half A: which is the maximum she may receive as at 23.6.10(1)) from the additive amount, and the rest goes to the half-brother. This is because the grandfather already has his share and she may receive more than her obligatory share of one-half.

To illustrate, first we make a plain division, the males receive the share of two females:

			shares: 5
grandfather	)		) 2
sister	)	division	) 1
half-brother	)		) 2

Then, as in the previous case, we give the half-brother's share to the sister, since there is none to eliminate her full share of one-half (dis: 23.6.10(1)).

		shares: 5
grandfather		2
sister	3	
half-brother		0

But since this gives the sister more than her maximal share of one-half, the surplus is returned to the half-brother, and this is the final division. Here, for convenient re-division, we multiply the case's shares by two:

(2 x 5=)		shares: 10
grandfather		4
sister		5
half-brother		1

which is the actual division.)

@23.6.17 When there is a sister (full sister or half-sister from the same father) and grandfather, the sister does not normally receive a particular obligatory share since she is co-universal heir (23.10.3) with the grandfather, except in the following case (Ar.al-akdariyya lit "the murkiest") in which there is X's husband, mother, grandfather, and sister.

shares: 6

husband	1/2 (dis: 23.6.3(1))	3
mother	1/3 (dis: 23.6.6(1))	2
grandfather	1/6 (dis: 23.6.15(c))	1

But at this point, the estate has been used up, despite the fact that the sister deserves her share of one-half, and no one can eliminate it:

sister	1/2 (dis: 23.6.10(1))	3
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so we re-divide the estate by adding the three shares that the sister deserves to the initial division's six shares, which become nine (this procedure being an adjustment (ʿawl, def; 23.8.1) for not being able to give everyone full shares, one which proportionately distributes the deficit to all recipients.

(6 + 3 =) shares: 9

husband	3
mother	2
grandfather	1
sister	3

But this results in the grandfather receiving less than if he were to divide the remaining estate with the sister, which is impermissible because of ruling 23.6.15), and so the grandfather and sister add their shares to together (equaling four) and divide them, the male receiving the portion of two females

Here, for convenient re-division, we multiply the case's shares by three:

(3 x 9 =) shares : 27

husband	9
mother	6

1. X's grandmother (or great-grandmother) gets one-sixth of the estate when- she is A, E, and so on, up that line (on the chart above); she is C, G and so on, up that line;

or when she is H, and so on, up that line.

2. If there are two grandmothers/great-grandmothers on the same level for example at level II, they jointly get one-sixth to share between them, such as when both C and A exist, or when both G and H exist.

3. If one of two surviving grandmothers/great-grandmothers is closer that is on a closer level to X, then:

(a) if the closer of the two is on X's mother's side (the left of the chart) then she eliminates the share of the farther of the two. For example, the existence of A eliminates G's share;

(b) but if the closer of the two is on the father's side (the right of the chart), she does not eliminate the share of the one on the mother's side who is farther from X. Rather, both jointly receive the sixth to divide between them. For example, C does not eliminate E.

@23.6.19 As for great-grandmother F, she does not inherit, as she is an extended family member who may not inherit (being related to X through B, who may not inherit (dis: 23.4.5(7, 10)).

@23.6.20 A summary of the share of X's half-brother or sister from the same mother:

1/6 if there is just one of them, when none of X's inheriting male forefathers (father on up) exists, nor any inheriting descendants.

1/3 if there are two or more of them, to share between them, but which is divided so that males and females receive equal shares.

Their share is eliminated by the existence of any of X's inheriting male forefathers or inheriting descendants.

1. X's half-brother or sister from the same mother receives one-sixth if alone.

2. When there are two or more of them, they jointly receive one-third. This amount is divided with equal shares going to male and female alike.

@23.6.21 To summarize all of the foregoing:

1. One-half of the estate is the obligatory share of five types of heir;

X's husband, under certain circumstances (dis : 23.6.3(1))

X's (sole) daughter (23.6.7(1));

X's son's daughter (23.6.9);

X's (sole) full sister (23.6.10(1));

and X's (sole) half-sister from the same father (23.6.11(1)).

2. One-fourth of the estate is the obligatory share of two types of heir;

X's husband, under certain circumstances (23.6.3(2));

and X's wife (23.6.4(1)).

3. One-eighth of the estate is the obligatory share of X's wife, under certain circumstances (23.6.4(2)).

4. Two-thirds of the estate is the obligatory share of four types of heir;
two or more of X's daughters (23.6.7(2));
two or more of X's son's daughters (23.6.9(N));
two or more of X's full sisters (23.6.10(2));
and two or more of X's half-sisters from the same father (23.6.11(2)).

5. One-third of the estate is the obligatory share of:
X's mother, under certain circumstances (23.6.6(1));
two or more of X's half-brothers or sisters from the same mother (23.6.20(2));
and it may be the share of the grandfather when X's brothers exist (23.6.14, second par).

6. One-sixth of the estate is the obligatory share of seven types of heir;
X's father (23.6.5(1));
X's grandfather (23.6.13 and 23.6.15(c));
X's mother (23.6.6);
X's grandmother (23.6.18 (1));
one or more daughters of X's son when X's daughter also exists (23.6.9);
one or more of X's half-sisters from the same father when X's sole full sister also exists (23.6.11(3));
and X's sole half-brother from the same mother (23.6.20(1)).

@23.6.22 A summary of the other heirs' shares:

1. X's son is universal heir.

2. X's son's son;
is eliminated by X's son;
and is universal heir in the absence of X's son.

3. X's full brother;
is eliminated by the existence of an inheriting male descendant;
is eliminated by X's father;
and is the universal heir in the absence of both an inheriting male descendant and father.

4. X's half-brother by the same father:
is eliminated by any inheriting male descendant;
is eliminated by X's father;
is eliminated by X's full brother;
and is universal heir in the absence of all these.

5. The son of X's full brother is the same as X's full brother ((3) above), but eliminated by him.

6. The son of X's half-brother by the same father is the same as (5) above, but eliminated by him.

7. The brother of X's father:

is eliminated by any of the following: X's father, grandfather, brothers, and their sons;

and is universal heir in the absence of all of these.

8. The son of the brother of X's father is the same as (7) above, but eliminated by him.

@*Chapter 23.7.0: THOSE WHOSE SHARES ARE ELIMINATED BY OTHERS (Hajb)

@23.7.1 The share of X's half-brother from the same mother is eliminated by the existence of four types of heir;

X's inheriting descendant (male or female);

the descendant (male or female) of X's son;

X's father;

or X's grandfather

@23.7.2 The share of X's full brother is eliminated by three:

X's son;

X's son's son;

or X's father

@23.7.3 The share of X's half-brother from the same father is eliminated by four:

X's son;

X's son's son;

X's father;

or X's full brother

@23.7.4 The share of the son of X's son is eliminated by X's son, and likewise the son of the son of X's son, and on down: each is eliminated by the existence of a son closer to X, meaning fewer generations from X, even if the one who is closer is from a different one of X's sons.

@23.7.5 X's grandmother or great-grandmother does not inherit if X's mother exists.

@23.7.6 Neither X's paternal grandfather nor grandmother or great-grandmother on the father's side may inherit when X's father exists.

@23.7.7 When X's daughters receive a full two thirds of the estate (dis: 23.6.7(2)), then the daughters of X's son do not inherit, unless they are made co-universal heirs (23.10.3) by the existence of a male who is at the same distance (number of generations) from X as they are or by one who is farther from X than they when they are co-universal heirs, the male receives the share of two females.

For example, if there are two daughters and a daughter of X's son, the two daughters take two thirds and the son's daughter receives nothing. But if there also exists with her X's son's son, or son's son, then she (as co-universal heir 9-def; 23.10.3) with him) gets the rest of the estate with him, the male receiving the share of two females (and such a male is nicknamed her blessed brother (akh mubarak)).

@23.7.8 Similarly, when X's full sisters receive two-thirds of the estate (dis:23.6.10(2)), then X's half-sisters from the same father do not inherit, unless they have a brother to make them co-universal heirs, the male receiving the share of two females.

@23.7.9 Someone who does not inherit to begin with, due to the existence of a preventive (23.5) cannot eliminate the share of anyone.

@23.7.10 Someone who may inherit, but whose share has been eliminated by another, cannot eliminate the share of anyone, although such a person's existence may diminish the share of someone, as when there exist X's half-brothers from the same mother, and X's father and mother. In such a case, the half-brothers do not inherit (dis: 23.6.20), but their existence diminishes the mother's share from a third to a sixth (dis:23.6.6(2)).

@*Chapter 23.8.0: ADJUSTMENT WHEN THE SHARES EXCEED THE TOTAL ESTATE (`Awl)

@23.8.1 Meaning of Adjustment:

Adjustment (`awl) is used in cases where the estate is not enough to give everyone their full shares, and proportionately distributes the deficit to all the heirs in an equitable way.

@23.8.2 An example:

Whenever the shares deserved by heirs exceed the number of available shares, the number of shares is additively increased to the number needed.

An example is the case (al-mubahala) in which there are X's husband, mother, and full sister:

		shares: 6
husband	1/2 (dis: 23.6.3(1))	3
sister	1/2 (dis: 23.6.10(1))	3

but at this point, the estate has been used up despite the fact that the mother deserves her share of one-third, and no one can eliminate it:

mother	1/3 (dis: 23.6.6(1))	2
--------	-----------------------	---

so we redivide the estate by adding the mother's portion (two shares) as an adjustment:

(6 + 2 =)	shares: 8
husband	3
sister	3
mother	2

and this is the actual division. (23.6.17 furnishes another example of adjustment.)

@*Chapter 23.9.0: REDISTRIBUTION WHEN THE SHARES ARE LESS THAN THE ESTATE (Radd)

@ This section has been moved here from its original place after 23.10.7 below.

@23.9.1 Redistribution:

If X has no universal heir relatives (def; 23.10.5) then the remainder of his estate goes to the Islamic treasury (bayt al-mal) as an inheritance to the Muslims, provided the Islamic ruler is just.

If the Islamic ruler is not just or non-existent, then it, the excess, is redistributed among the inheriting heirs in proportion to their relative shares, except for X's husband or wife, who may not receive any of the redistributed amount.

@23.9.2 Example

Three illustrations of redistribution follow:

1. X's sister and grandmother:

		shares: 6
sister	1/2 (dis: 23.6.10(1))	3
grandmother	1/6 (dis: 23.6.18(1))	1

But at this point, the obligatory shares are less than the estate, so we redistribute the excess estate in proportion to the heirs' respective shares by reducing the shares of the case to four, which is the number of the existing heirs' shares:

(3 + 1 =)	shares: 4
sister	3
grandmother	1

and this is the solution, and is how we redistribute in cases that require it, when there is neither a husband nor wife among the heirs.

When there is a husband or wife, the examples below furnish illustrations of the division.

2. X's wife, half-brother from the same mother, and grandmother:

			shares: 12
wife	1/4 (dis: 23.6.4(1))	3	
half-brother	1/6 (dis: 23.6.20(1))		2
grandmother	1/6 (dis: 23.6.18(1))	2	

But here, the obligatory shares are still less than the estate, in which there are five remaining shares:

excess	5
--------	---

So, excluding the wife as mentioned above (23.9.1(end)), we divide the excess between the half-brother and grandmother in proportion to their respective shares, namely two-to-two, which means a half-and-half division of the excess five shares.

For convenient division of these five shares, we first multiply the case's total

(12 x 2 =) shares: 24

wife	6	
half-brother	4	
grandmother	4	
excess	10	

and then we divide the ten excess shares between the half-brother and grandmother, while the wife gets only her original share (dis:23.9.1 (end)) :

			shares: 24
wife		6	
half-brother	(5 + 4 =)		9
grandmother	(5 + 4 =)	9	

and this is the solution.

3. X's wife, mother, and half-brother from the same mother;

shares: 12

wife	1/4 (dis: 23.6.4(1))	3	
mother	1/3 (dis: 23.6.6(1))	4	
half-brother	1/6 (dis: 23.6.20(1))		2

But the obligatory shares are still less than the estate, in which there are three remaining shares:

excess	3
--------	---

So, excluding the wife, as before, we divide the excess between the mother and half-brother in proportion to their respective shares, namely four-to-two, which means a two-to-one division of the three excess shares:

shares: 12

wife		3	
mother	(2 + 4 =)		6
half-brother	(1 + 2 =)		3

and this is the solution.

@*Chapter 23.10.0: UNIVERSAL HEIR (`Asaba)

@23.10.1 A universal heir (`asaba) is someone who takes the remaining estate, if any, after heirs deserving obligatory shares have taken them. When there are no such heirs, the universal heir takes all.

There are three types of universal heir:

1. universal heir by oneself (`asaba bi nafsih) :
2. co-universal heir (`asaba bi ghayrithi);
3. and universal heir through the existence of another (`asaba ma'a ghayrithi).

@23.10.2 Universal heir by oneself

(Hasanaya Muhammad Makhluḥ:) The universal heir by oneself is X's male relative who is not related to X through a female, whether this be because:

1. there is no one between him and X, as is the case with X's father or son;

2. or whether because there is someone between him and X, but not a female, such as X's paternal grandfather, X's son's son, X's full brother, or X's half-brother from the same father.

@23.10.3 Co-universal heir

The co-universal heir is any female deserving an obligatory share who requires someone else in order to become a universal heir, and with whom she participates in this universal share.

It is a class confined to four types of women, those whose share if alone is one-half, and if there are more than one is two thirds. They are;

1. X's daughter;
2. X's son's daughter;
3. X's full sister;
4. and X's half-sister from the same father.

Whenever a male exists with one of these four who is universal heir by himself (def; 23.10.2) of the same generation as her and of the same strength (i.e both were full or half-siblings), she becomes co-universal heir with him and inherits by the universal share, not her obligatory share. They divide the universal share so the male receives the portion of two females.

@23.10.4 Universal heir through the existence of another

The universal heir through the existence of another is any female deserving an obligatory share who requires someone else to become a universal heir, but with whom she does not share this universal share.

These are only two people from among those who deserve obligatory shares:

1. X's full sister;
 2. and X's half-sister from the same father;
- provided that X's brother who would form a co-universal heir (23.10.3) with them (in which case they would not be a universal heir through another) does not exist, and provided that either of the above two females exists with X's daughter/s or son's daughter/s, and on down (these being the someone else needed to make them a universal heir through another) (al-Mawarith fi al-shari'a al-Islamiyya (y-80), 99, 102, 103).

@23.10.5 The universal heir is a person who takes the whole estate if there is no other heir, or takes any of it that is in excess of the obligatory portions which are given to heirs, when they also exist. If there is nothing in excess of the heirs' obligatory shares, then the universal heir does not receive anything.

@23.10.6 Their order, these being the universal heirs by themselves (23.10.2), in closeness to X, such that the existence of someone at the first of the list eliminates the universal heirship of anyone following him, is:

1. X's son;

2. X's son's son;
3. X's son's son's son, and on down, no matter how many generations;
4. X's father;
5. X's paternal grandfather;
6. X's paternal great grandfather, and on up, no matter how many generations;
7. X's full brother;
8. X's half-brother from the same father;
9. the son of X's full brother;
10. the son of X's half-brother from the same father;
11. the brother of X's father;
12. the son of the brother of X's father son's son, and on down;
13. the brother of X's paternal grandfather;
14. and then (13)'s son, this son's son, and on down.

@23.10.8 Extended family members who inherit in heirs' absence:

When there is no universal heir, and no heir inheriting an obligatory portion that the excess estate could be redistributed to (dis: 23.9.1), then the estate is divided between the extended family members (def:23.4.5) such that each of them takes the place of the person through whom they are related to X ,

For example:

1. X's daughter's child takes the share of X's daughter;
2. X's sister's child takes the share of X's sister;
3. X's brothers' daughters take the share of the brothers;
4. the daughters of X's paternal uncle take the latter's share;
5. X's maternal father takes her share;
6. X's maternal uncle or aunt takes her share;
7. and X's father's half-brother or sister from the same mother takes the father's share.

@23.10.9 No universal heir may inherit a universal share when there is a universal heir who is closer to X than he is.

@23.10.10 Those who form co-universal heir with sister

No one constitutes a co-universal heir (23.10.3) with his sister except:

1. X's son (with X's daughter);
2. X's son's son (with X's son's daughter);
3. and X's brother (with X's sister)

Each of them constitutes a co-universal heir with his sister, the male receiving the portion of two females.

@23.10.11 In addition to being co-universal heir with X's son's daughter ((2) above), X's son's son, or son's son's son, and on down is also a co-universal heir with the daughters of his paternal uncle who are of the same generation as he, and those of his father's sisters and the daughters of his paternal grandfather's brother/s who are above him (of a closer generations to X), provided they (those

closer to X than he) have no obligatory shares coming. This is because if they do, then they take their share and are not co-universal heirs with him. This may be illustrated by the following example:

1. X's husband, daughter, son's daughter, son's daughter, son's son's daughter, and son's son's son:

Shares: 12

husband	1/4 (dis: 23.6.3(2))	3
daughter	1/2 (dis:23.6.7(1))	6
son's daughter	1/6 (dis: 23.6.9)	2
son's son's daughter))	
)	universal	) 1
son's son's son))	

But if there were two of X's daughters in the above case, we would have to divide the estate as follows:

shares: 12

husband		3
2 daughters	2/3 (dis: 23.6.7(2))	8

Here, the son's daughter does not have an obligatory share coming, since the two daughters have taken the full two-thirds, and so the son's daughter (dis: text above) is co-universal heir with the son's son's daughter and son's son's son:

son's daughter)	(
son's son's daughter)	universal (	1
son's son's son)	(

@23.10.12 A person who is a universal heir does not participate in the share of someone who has an obligatory share coming, except in the following case (al-musharraka) :

Given X's husband, mother (or grandmother, for the result is the same), two half-brothers from the same mother, and a full brother:

shares: 6

husband	1/2 (dis: 23.6.3(1))	3
mother	1/6 (dis: 23.6.6(2))	1
2 half-brothers	1/3 (dis: 23.6.20(2))	2

in which case the estate has been used up and nothing remains for the brother:
But the full brother is closer to X than the half-brothers, and should not be
eliminated by their share, so an exception is made and the half-brothers and full
brother are made co-universal heirs:

				shares: 6
<hr/>				
husband				3
mother				1
2 half-brothers)			(
	)	universal		(2
full brother)			(
<hr/>				

It is important to remember in such cases that the universal share is divided so
the males and females receive equal shares (dis: 23.6.20(2)).

@23.10.13 When a person both deserves an obligatory share and is a universal
heir, then he inherits both of these.

An example is when the son of X's paternal uncle, who is universal heir (dis:
23.6.22(8)) is also X's husband (deserving a husband's share (dis: 23.6.3); or
when the son of X's paternal uncle is also X's half-brother from the same mother.

@*BOOK 24: Abridgement of The Bases of Beliefs [by Imam Ghazali, by Keller's
To read unabridged whole document see the articles of faith on download
from www.Muhammad.com]

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@*Chapter 24-1.0 ALLAH

@24.1.1 (Ghazali said:) Praise be to Allah, who originates all and returns it, who does as He wills, He of the noble Throne and overwhelming force, the Guide of His elect worshippers to the wisest path and straightest way, who has blessed them, after having led them attest to His Oneness, by preserving the tenets of their religion from the darkneses of doubt and misgivings, bringing them through His providence and guidance to follow His chosen Messenger, Prophet Muhammad – may Allah venerate him and give him peace - and the example of his noble and honored companions; He who manifests Himself and His acts to His worshippers through His sublime attributes, of which none possess knowledge except those who give heed with a present mind.

@24.1.2 His Oneness

He is One in being without partner. Unique without peer, ultimate without opposite, alone without equal. He is One, pre-eternal, beginninglessly uncreate, everlastingly abiding, unceasingly existent, eternally limitless, the ever self-subsisting through whom all else subsists, ever enduring, without end. He is, was and ever will be possessed of all attributes of majesty, unannihilated by dissolution or separation through the passage of eons or terminus of interims. He is the First and Last, the Outward and Inward, and He has knowledge of everything.

@24.1.3 The Transcendence of Allah Above His Creation

He is not a body with a form, or a limitary, quantitative substance, not resembling bodies in quantifiability or divisibility, or in being a substance or equalified by substance, or being an accident or qualified by accidents.

He does not resemble anything that exists, nor anything that exists resemble Him. There is nothing whatsoever like unto Him, nor is He like unto anything. He is not delimited by magnitude, contained by places, encompassed by directions, or bounded by heavens or earth.

Allah, "The Merciful willed to the Throne" (Koran 20.5) in the way He says and the meaning He intends, 'willed' in a manner transcending contact, settledness, fixity, indwelling, or movement. The Throne does not bear Him up, but is borne up by the subtlety of His infinite power, as are the angels who carry it, and all are powerless in His grasp.

He is above the Throne, the heavens, and all else to the farthest reaches of the stars, with an aboveness that does not increase His nearness to the Throne or heavens, or His distance from the earth and what lies beneath it.

He is as exalted in degree above the Throne and the heavens as He is above the earth and its depths, though He is near to everything in existence, nearer to a worshipper than his own jugular vein, and is witness to everything. His nearness no more resembles the nearness of objects to one another than His entity resembles the entities of objects.

He does not dwell in anything, nor anything indwells in Him. He is as exalted above containment in space as he is above confinement in time. He was, before creating time and space, and is now even as He was.

He is distinguished from His creation by His attributes. There is nothing in His entity other than Him, nor is His entity in what is other than Him.

He is beyond change and motion, events neither occur within Him nor changes befall Him. He remains in His attributes of Majesty exalted above change, and in the attributes of His perfection beyond the need of any increase in perfection.

The existence of His entity is known by human reason, and in the Everlasting life is beheld by the eyesight of the righteous as a beatitude and favor, to consummate their perfect joy with the sight of His Noble Countenance.

@24.1.4 His Life and Almighty Power

He, the Most High is living, Almighty, the Powerful, the Conqueror, unaffected by inability or weakness; unsusceptible to drowsiness, sleep, annihilation, or death; possessing absolute Sovereignty and Might, of irresistible power and force.

His is the majesty and sway, the creation and command. The heavens are enfolded in His right hand and all beings are powerless in His grasp.

He alone creates, begins, gives existence, and originates. He creates all beings and their acts, ordains their sustenance and terms. Nothing possible is out of His grasp, the disposal of no matter is beyond His power. The number of things He can do is limitless, the amount of His knowledge is infinite.

@24.1.5 His Knowledge

He knows all things knowable, encompassing all that takes place from the depths of the earth to the highest heaven. He knows without an atom's weight in the earth or heavens escaping His knowledge. He knows the creeping of a black ant across a great stone on moonless night, and the motion in the air of a particle of dust on a windy day. He knows the concealed and the yet more hidden, the buried recesses of hearts, the movement of thought, and the opacities of the inmost soul; with pre-eternal, beginningless knowledge that He has always

possessed from the limitless reaches of past eternity, not with awareness originating within Him through being imparted or conveyed.

@24.1.6 His Will

He, the Most High wills all that exists and directs all events. Nothing occurs in the physical or spiritual world, be it meager or much, little or great, good or evil, of benefit or detriment, faith or unbelief, knowledge or ignorance, triumph or ruin, increase or decrease, obedience or sin; except through His ordinance, apportionment, wisdom, and decision.

What He wills is, and what He does not will is not. Neither a sidelong glance nor passing thought is beyond His design. He originates all and returns it, does what He wills, and none can repulse His command.

There is no rescinding His destiny, no flight for a worshipper from disobeying Him except through divinely given success therein and mercy, and no strength to obey Him except through His choice and decree.

If all mankind, jinn, angels, and devils combined their efforts to move or to still a single particle of the universe without His will and choice, they would be unable to do so. His will, like His other attributes, exists in His entity and He ever possesses it. He has willed from pre-eternity the existence of all things at the times He has chosen. They occur at the times which He has destined from beginningless eternity, occurring neither before nor after, but taking place in accordance with His knowledge and will, without substitution or alternation. He directs events without successive thoughts or waiting for time to elapse, which is why nothing diverts Him from anything else.

@24.1.7 His Hearing and Sight

He, the Most High is All-hearing and All-seeing. He hears and sees, no sound however slight eluding His hearing, and no sight however minute escaping His vision. Distance does not obscure His hearing nor darkness hinder His vision. He sees without pupil or eyelids, and hears without ear canal or ears, just as He knows without a heart, seizes without limb, and creates without implement. His attributes no more resemble the attributes of His creatures than His entity resembles the entity of His creatures.

@24.1.8 His Speech

He, the Most High speaks, commands, forbids, promises, and warns, with beginninglessly eternal speech that is an attribute of His entity, not resembling the speech of creatures in being a sound generated by the passage of air or impact of bodies, nor in letters articulated by compressing the lips or moving the tongue.

The Koran, Torah, Evangel (Gospel given to Jesus, not the work of Paul), and Psalms are His Books, revealed to His messengers (upon whom be peace). The

Koran is recited with tongues, written in books, and memorized in hearts despite being beginninglessly eternal, an attribute of the entity of Allah, the Most High, unsubject to severance and separation by conveyance to hearts or pages.

Moses – peace be upon him - heard the speech of Allah without sound or letter, just as the righteous see the entity of Allah, the Most High in the Everlasting life without substance or accident.

Since Allah possesses all of the above attributes, He is living, knowing, omnipotent, willing, hearing, seeing, and speaking by virtue of His life, power, knowledge, will, hearing, sight, and speech, not just by virtue of His entity.

@24.1.9 His Acts

Everything besides Him, the Glorious and Exalted exists through His action, proceeding from His justice in the best, fullest, most perfect and equitable way.

He is wise in His acts and just in His decrees. His justice is not comparable to the justice of His worshippers, since injustice may only be imagined from a worshipper through his disposal of what belongs to another, while this is inconceivable from Allah, the Most High, since nothing belongs to anyone besides Him that He should unjustly dispose of it.

Everything, other than Allah, be it human, jinn, angel, devil, heaven, earth, animal, vegetable, mineral, substance, accident, intelligible, or sensory, is contingent, and was brought into existence through His power after not being, created by Him after it was nothing.

He alone existed in pre-eternity, and nothing else. He then originated creation, that His omnipotence might be manifest, His prior decree effected, and His eternal word realized; not from needing or requiring anything in creation.

Our origination, beginning, and responsibility are of the generosity of Allah, not because of their being obligatory for Him, and His blessings and benefaction exist because of His favor, not because of being due from Him. Everything that exists is indebted to Him for His generosity and goodness, His blessings and benevolence; for He is well able to pour all manner of punishments upon His worshippers and try them with every variety of suffering and illness, and were He to do so, it would be just on His part and neither wicked nor unfair.

He, the Mighty and Majestic rewards His worshippers, the believers, for their acts of obedience because of His generosity and in fulfillment of His Word, not because of their deserving it or His owing it to them. There is no obligation upon Him to do anything for anyone, nor is injustice on His part conceivable, for He does not owe any rights to anyone.

The obligation of men and jinn to perform acts of obedience is established by His having informed them of it upon the tongues of the prophets (upon whom be peace), and not by unaided human reason. He sent the prophets and manifested the truth of their messages by unmistakable, inimitable miracles. They have communicated His commands, prohibitions, promises and warnings, and it is obligatory for mankind and jinn to believe in what they have conveyed.

@*Chapter 24.2.0 HIS MESSENGER

@24.2.1 Allah, the Most High sent Muhammad - may Allah venerate him and give him peace, the Korayshite, unlettered prophet, to deliver His message to the entire world, Arabs and non-Arabs, jinn and mankind, superseding and abrogating all previous religious systems with the Prophet's Sacred Law, except for the provisions of them that the new revelation explicitly reconfirmed.

Allah has favored Prophet Muhammad – may Allah venerate him and give him peace - above all the other prophets and made him the highest of mankind, rejecting anyone's attesting to the Divine Oneness by saying, "there is no god except Allah," unless they also attest to the Prophet by saying "Muhammad is the Messenger of Allah." He has made it obligatory upon men and jinn to believe everything the Prophet – may Allah venerate him and give him peace - has informed us concerning this world and the next, and does not accept anyone's faith unless they believe in what he has told us will happen after death.

@24.2.2 The trial of the grave

The first of these matters is the questioning of Mankar and Nakir, two tremendous, fearsome angels who sit a worshipper upright in his grave, body and soul, and question the deceased about the Oneness of Allah and the messengerhood of the Prophet - may Allah venerate him and give him peace - asking, "Who is your Lord, what is your religion, and who is your prophet?" It is they who try people in the grave, their questioning being the first ordeal after death.

It is also obligatory to believe in the punishment of the grave, that it is a fact, is just, and affects both body and soul, in the way Allah wills.

@24.2.3 The Scale

It is obligatory to believe in the Scale, which consists of two scale-pans and a balance indicator between them and is as great in size as the distance between the heavens and earth. It weighs a worshipper's deeds through the power of Allah, the Most High, and the weights placed on it are as fine as an atom or mustard seed, that justice may be perfectly done.

The pages recording one's good deeds will be placed in a form pleasing to behold on the side of the scale for Light, weighing it down according to their rank with Allah through His generosity, while the pages recording one's bad deeds will

be placed in an ugly form on the side of Darkness, diminishing the weight of the opposite side through the justice of Allah.

@24.2.4 The Bridge over Hell

It is obligatory to believe in the bridge over Hell (sirat), a bridge spanning the breadth of Hell, sharper than a sword and finer than a hair, from which the feet of the unbelievers shall slip by the decree of Allah and plunge them into Hell. The feet of believers shall, by the generosity of Allah, be made fast, and from thence they shall be conducted to the Final Abode.

@24.2.5 The Watering Place

It is obligatory to believe in a watering place believers will come to, the watering place of Prophet Muhammad - may Allah venerate him and give him peace - from which believers will drink from before entering Paradise, after having crossed the bridge over Hell. Whosoever drinks from it will never thirst again. Its width is month's journey across, its water whiter than milk and sweeter than honey, and there are as many pitchers around it as there are stars in the sky. Two aqueducts pour into it from Kawthar, which is a spring in Paradise.

@24.2.6 The Final Reckoning

It is obligatory to believe in the Final Reckoning and the difference in the way various people are dealt with therein, some will be made to answer, others pardoned, and some admitted to Paradise without reckoning, being those close to Allah (muqurraḥun). Allah, the Most High shall ask whomsoever He wills of the prophets if they have conveyed their message, and ask the unbelievers why they denied the messengers, and ask those of reprehensible innovation (bid'a) about the prophetic ways, and ask Muslims about their deeds.

@24.2.7 Believers shall depart from Hell

It is obligatory to hold that believers in the Oneness of Allah who believed in the prophet of their era (dis: w-4.4)) will be taken out of Hell after having paid for their sins, through the generosity of Allah, the Mighty and Majestic. No one who is a true monotheist will abide in the Fire forever.

@24.2.8 The intercession of the prophets and the righteous

It is obligatory to believe in the intercession of first the prophets, then religious scholars, then martyrs, then other believers, the intercession of each one commensurate with his rank and position with Allah, the Most High. Any believer remaining in Hell without intercessor shall be taken out of it by the Favor of Allah. No believer will remain in the Fire forever, and anyone with an atom's weight of faith in his heart will eventually depart from it.

@24.2.9 The excellence of the companions of the Prophet (Sahaba)

It is obligatory to believe in the excellence (dis: w-56) of the companions of the Prophet – may Allah be pleased with them.

One must think the best of all of the companions of the Prophet - may Allah venerate him and give him peace - and praise them just as Allah, the Mighty and Majestic and His messenger have praised them, may Allah be pleased with them and give them peace.

Chapter 23.3.0 Conclusion

All of the foregoing has been conveyed by Prophetic quotations (Ahadith) and attested to by the words of the early Muslims. Whosoever believes it with deep conviction belongs to those of the truth, who follow the Prophetic practice, and distinguishes himself from the faction who have strayed, the sect adhering to reprehensible innovation (bid'a).

We ask Allah through His mercy for perfect certainty and steadfastness in religion, for ourselves and all Muslims; He is the Most Merciful of the Merciful. May Allah bless our master Muhammad, and every chosen worshipper (Ihya' 'ulum al-din (y-39), 79-83).

@*BOOK 25: What Is Hadith Terminology

@CONTENTS

Note: There are over 8000 Authentic Prophetic sayings which are neglected by Muslim youth. What a shame! Please join to be Muhaddith (Hadith transmitter)

Key Arabic Words Terminology:

“Hadith” refers to one single Prophetic Saying, with and without its transmitters.

“Hadith” refers also to the Science of Prophetic Sayings itself.

“Ahadith” refers to more than two “Hadith”, with and without its transmitters.

“Hadithan” refers to two “Hadith”

Collection 1 see layout picture, Arabic introduction and concordances

Managed by Suyuti, Nabahani, Ghumari, Albani, and sealed and finalized by Darwish. Yet to be transmitted by (all of you who are interested to be young Muhaddiths), members of Muhammad.com

14,587 Ahadith broken down as follow:

8,266 authentic (this is over 70% of all authentic Hadith)

4,629 weak (but not false, so it is practiced)

27 of which are Mawkuf (standby)

1,806 false (so it is not practiced)

How to be Muhaddith (Prophetic Sayings Transmitter)?

1. Download 8266 Arabic Prophetic Sayings Hadith
2. Download 1950 English Prophetic Sayings by Nawawi
3. Download 8266 Arabic Prophetic Sayings Hadith
4. Study this booklet of Prophetic Sayings Terminology

5. Download the Grand index and cross-Reference of Arabic Prophetic Sayings (Hadith) with the Arabic Koran
6. Download the Grand index and Cross-Reference of English Prophetic Sayings (Hadith) with the English Koran
7. Read the [The Millennium Biography of Prophet Muhammad](http://www.Muhammad.com), consisting of 135 Chapters at www.Muhammad.com
8. Study all these daily between maghrib and Isha in the mosque with a group and read Imam Ghazali's Revitalization of Islamic Knowledge – download it freely among 138 free books at www.Muhammad.com
9. Email Muhaddith Ahmad Darwish for general “Ijazah” the blessed traditional permission.

PS. All indexing done by young gifted Egyptian Engineer Abdalla Mahmoud. The leading coder for Allah.com and Muhammad.com

What is Hadith Terminology?

The Terminology of the Science of Prophetic Quotation

1 Preface

I have had great pleasure in reviewing this excellent book containing some of the terminology of Hadith. It demonstrates to the western society a foundation of the science (Al Hadith) which they are unaccustomed.

The authenticity of this science is superlative, especially when compared to methods devised and adopted by western universities.

Grand Muhaddith
Professor Abdullah bin As-Seddiq Al-Ghumari
Azhar Mosque

2 Introduction

In the religious literature of Islam, Prophetic Quotations (Hadith) and Prophetic Ways (Prophetic practiceh) are two terms which are considered synonymous with each other. There is however a slight difference between them. The word “Prophetic practiceh” means precedent and custom. The technical sense implies both the actions and practices of the Holy Prophet, praise and peace be upon him, only. Prophetic practiceh therefore is a concrete implementation of the Will of Allah in the form of the Holy Prophet Muhammad's deeds.

The word “Hadith” originally means a piece of news, a tale, a story or a report relating to a present or past event. In its technical sense, it stands for the report of the words and deeds, approval or disapproval of the Holy Prophet. It is comprised of two parts: the chain of transmission (Sanad) and the text (Matn).

In this book it is our intention, Allah willing, to study the terminology of Prophetic Quotations (Hadith), this is not an easy task as the majority of references are in Arabic.

3 Towards the Understanding of Hadith Terminology

We would like to begin this book by giving you examples of the authenticity of Prophetic Quotations (Hadith).

It should be clearly noted that the number of Hadith is counted on the basis of the chain of transmissions and not on the basis of the text. It is essential to make this point clear right at the beginning as there is considerable ignorance concerning this fact which has given rise to serious misgivings under which so many orientalists and westernized Muslims labor.

When we say that Imam Muslim, may Allah have mercy upon him, collected three hundred thousand Prophetic Quotations (Hadith) and included only four thousand in his compilation, this does not mean that he rejected the rest of the Prophetic Quotations (Hadith) deeming them to be unreliable. What it means is that the words and deeds of the Holy Prophet Muhammad, praise and peace be upon him, were transmitted to Imam Muslim through numerous chains of transmissions that ran into hundreds of thousands and from these he selected four thousand chains. He selected four thousand Ahadith covering the subjects which he included in his book, examples of which include fasting, prayer, et cetera, leaving many sound Prophetic Quotations (Hadith) out because he had sufficient material in other sound Hadith (s). His policy was not to gather the Prophetic Quotations (Hadith) which had been duplicated in other chains of transmission. At the same time some of the chains, although they were sound, did not meet either his policy or condition for inclusion in his book.

This is the beauty of the strength that has protected and protects the science of Hadith in which are found many levels for the classification of the sound Hadith. Also, the policy of Imam Muslim was to collect only the top level Hadith (s) which were readily available to him. Again, many people have misunderstood this fact thinking that the reason he rejected the other Ahadith was because they were unsound. This is not the case.

The Imams that followed him had different plans for choosing their selections and selected other transmissions from the sound Prophetic Quotations (Hadith) which had not been included in Imam Muslim's book.

The text (Matn) which was transmitted through one hundred chains (Sanad), is in Hadith literature treated as one hundred traditions. For instance, the text of the first Prophet Quotations (Hadith) in Bukhari ("Deeds are judged by the intention")

is counted as a selection of 1 out of 700 Hadith as it was transmitted through such a large number of different chains (Sanads).

The methods of terminology showing the authenticity of Prophetic Quotations (Hadith) were devised by the imams of this science which was hitherto unknown before the advent of Islam in the 7th century of the Christian era. This science was continuously implemented by its highly skilled imams up until the time of the 12th century at which time every piece of knowledge or information that had been transmitted was recorded and classified according to these uniquely devised methods. Such methods of transmission to protect the sources of any religion had never occurred in the history of mankind.

It is interesting to reflect that Europe was at this time still in the Dark Ages, peasants were prohibited from learning and suppressed by their rulers. In Arabia, the ordinary man wishing to learn more about any science, be it religious or otherwise would go to the imams and learn at no cost. The imams were of mixed races, the Arab having no superiority over the others because the revelations came for all humanity regardless of nationality, status, or color. The fact that the Holy Prophet, praise and peace be upon him, was an Arab did not favor the Arabs with any superiority over the rest of the Muslims. Learning was for those who wished to learn not just for the privileged class.

4 The Chains of Transmission

The breakdown of the generations from the time of the Holy Prophet, praise and peace be upon him, right up until now are the chains of transmitters of the Islamic Sciences which are traced directly to the Holy Prophet himself. The transmission of the Prophetic Quotations (Hadith) were handed down either by word of mouth or written down throughout the generations and these chains consist of thousands of both learned men and women.

According to the life span of the people in the chain, the numbers of links in the chain up to the Holy Prophet, praise and peace be upon him, vary. In some where a long life has prevailed you find for example, the chain contains only thirty names, in another you may find forty. The last link in the chain being alive today and it is he who bears the source of Islamic knowledge.

Let us start with the chains from the beginning to show the recorded Ahadith (in writing) and their transmission during the lifetime of the Holy Prophet, praise and peace be upon him.

The writing of the Prophetic Quotations (Hadith) actually started during the lifetime of the Holy Prophet, praise and peace be upon him. Abdullah son of Amr, a companion, was the first to write down the Prophetic Quotations. He compiled a book called "As-Sadiqah" (Ibn Sad vol. 2, page 125) which contains the Ahadith that he himself had heard. Similarly, Imam Ali, may Allah honor his face, compiled

a large number of Ahadith (Sahih Bukhari, vol. 2 page 1084), Abdullah son of Abbas, another companions, made a collection (Tirmithi Kitab Ul'ilal, page 691). Jafir, son of Abdullah's collection was used by the 'Tabai' Wahab (Tahzeeb, vol. 1, page 316) and those of Abu Hurairah, by Hammam son of Munabbih were later reproduced in the books of Prophetic Quotations (Hadith) of Sahifa of Hammam, may Allah be pleased with all the companions.

Abdullah son of Amr says (ref. Tahawi, vol. 11, page 384) that Abu Hurairah used to record the Prophetic Quotations and then memorize them. The writing of Hadith (s) took place after the permission of the Holy Prophet, praise and peace be upon him, had been given. Abdullah son of Amr mentioned (ref. Fat-h-Al Bari, vol. 1, page 148) that Abu Hurairah had shown this collection to Abdullah son of Amr. For his own part, Abdullah son of Amr said (ref. Abu Dawud, vol. 1, page 157) that he used to write down what he heard from the Holy Prophet, praise and peace be upon him, but when some of the believers of the Koraysh tribe came to know about it, they tried to dissuade him from doing so on the grounds that sometimes the Holy Prophet, praise and peace be upon him, was pleased and at other times he did not encourage (If the Hadith's writer was involved in writing the Koran). When the matter was referred to the Holy Prophet, praise and peace be upon him, he pointed to his mouth and said: "By Allah, in no state can anything untrue or unjust come out of it." Rafey son of Khadij said (ref. Kanzul-Ammal vol. 11 page 223) that he was permitted by the Holy Prophet, praise and peace be upon him, to record his sayings. Likewise, Abdullah son of Masud recorded that which he heard from the Prophet, and his record was shown to the people by his son Abdul Rahman. The Prophetic Quotations (Hadith) quoted by yet another companion, Anas, were written down by his student Aban (ref. Darmi, page 68). The gathering of these scattered Hadith and those people who had memorized was initiated by the "Tabieen", the people who were either the immediate disciples of the companions or persons living in the same age as the companions and the Holy Prophet, praise and peace be upon him, but had not been blessed to meet him. Among them were men of learning and intelligence, all pious, full of integrity, honesty, and fearing Allah; it was they who started the sacred task of collecting the Prophetic Quotations.

To name but a few: Muhammad son of Shahab Zuhri, Hesham son of Urawa, Kais son of Abi Hazam, Ata son of Abi Raba, and Said son of Jubair, may Allah be pleased with them, went from door to door to meet the narrators of the Prophetic Quotations and collected Ahadith numbering approximately three hundred thousand, where each Hadith was recorded and counted with its transmission chains for each repetition. Over two hundred thousand were repetitions because the same Prophetic Quotations had been repeated by many. A number of the interviewed narrated Hadith which were not strong in their authenticity, all these narrations were recorded in the book "Tahzeeb of Zuhri".

The first of those well-known and authentic books is "Muwatta" which was compiled by Imam Malik (born 93 A.H. – died 120 A.H. in Medina). Imam Malik

mentioned the names of twenty-five Tabieen from whom he had heard Prophetic Quotations, and that they lived in Medina during his life time. The last of the Tabieen died in 145 A.H.

The “Muwatta” was read to the Tabieen and copies were sent to the various Islamic regions. Approximately one thousand people read it including Shah Abdul Aziz Dehlavi and Busanul Muhaddisin. Imam Suyuti, in the forward of his book “Tanqir-ul-Hawalik” mentions the names of fifty scholars who studied the work with Imam Malik himself and then quoted him in their own books.

Many well known Islamic scholars such as Imam Bukhari (died 256 A.H.), Imam Muslim (died 261 A.H.), Imam Tirmithi (died 279 A.H.), Imam Ahmad son of Hanbal (died 241 A.H.), Imam Shafii (died 204 A.H.), Imam Abu Dawud (died 275 A.H.), Imam Nisai (died 303 A.H.), Imam Ibn Maja (died 273 A.H.), Darimy (died 255 A.H.), Darqutni (died 350 A.H.), Baihaqi (died 456 A.H.), and Razin (died 540 A.H.), as well as others, may Allah be pleased with them, organized the Prophetic Quotations (Hadith) into subject order at the same time recording their chains of deliverance. The methods employed were such that no scholar anywhere in the world, or in any period of history has ever attempted. The chain of transmitters of the Prophetic Quotations were verified even though in some cases it necessitated traveling to other countries. The piety, veracity, acumen, memory, and intelligence of the reporters was carefully examined.

If any link was found untrustworthy, then the Hadith was rejected, if a link was found to be missing but the Hadith stood up to the other testes it was described as being weak or poor. The result of theses laborious and painstaking investigations were that salient details of the lives of approximately 13,000 companions of the Prophet, praise and peace be upon him, and transmitters’ names were recorded and handed down for posterity.

Alongside the verification of the transmitters, critical tests were applied to examine the veracity of the Hadith in the light of the Holy Koran and authentic Ahadith, together with intelligence. Those Ahadith which failed to meet the standard were rejected or put to one side. Later, these Hadith were recorded separately so that there would be no reason to doubt which were authentic and which were not. It was indeed a great task, coupled with religious zeal and fervor together with dedication and piety on the part of the scholars. Imam Bukhari alone devoted sixteen years of his life to compile his great work.

It was from theses enormous works that Imam Abu Muhammad Hussain Baghawi (died 516 A.H.) selected 4,439 Prophetic Quotations for his book “Masabeeh-ul-Prophetic practiceh”. He divided the books into chapters following the style in which the books of jurisprudence had been written. Under each heading he grouped the Hadith from Bukhari and Muslim in one section and included others such as Abu Dawud and in another section Tirmithi, and did not mention the names of the transmitters nor did he give the names of references to

the Books of Hadith. In the eighth century Hijrah, the learned scholar Waliuddin Al Khatib-ul-Umri compiled it afresh adding a large number of Hadith which had been omitted in its earlier compilation making the total of 6,285 Hadith. This collection of Hadith was given the title of “Mishat-ul-Masabeeh” and soon acquired great reputation and fame. The book contains a selection of Hadith taken from the famous “Sihah Sitta” or books of Hadith by Bukhari, Muslim, Tirmithi , Nisai, Abu Dawud, Ibn Maja, and others such as Musnad Ahmad, Musnad Razin, and Shaub-ul-Imam by Baihaqi, et cetera. This book serves as a handbook of guidance for all of us, in every walk of life.

“Jami1-ul-Usool” is another book of note which goes along with “Mishat-ul-Masabeeh”.

However, the last and best Hadith effort is the collection of Ghumari and Darwish totaling 8,266 Authentic Hadith, called “Encyclopedia of Bukhari and Muslim”. It is mentioned below, compiled in alphabetical order, in subjects, and in a concordance with the Koran. It concludes the first phase of the long awaited project of Hadith started by the first three generations and Suyuti.

The Hafiz Suyuti Grand Plan

Imam Suyuti collected 72 books, which are all the books on earth containing Hadith, into one book called “Al-Jami Al-Kabeer”. It contains 42,000 Hadith in alphabetical order, which was later arranged by subject by Al Mutaqi Al-Hindi in a book called “Kanz”. Al-Hindi then removed the repetition and compiled another book which was called “Muntakhab Kanz” containing about 32,000 Hadith.

Imam Suyuti selected 1,008 and 4,500 from the 42,000 and called them “Al-Jami Al-Saghir” and “Ziyada” respectfully, which were later compiled by Nabahani into one book called “Al-Fat-h Al-Kabeer” in alphabetical order.

The Wahabi (Kharijies) Muhaddith Albani in tackling the first collection he produced it into small booklets, which later was printed together. He committed less than 150 errors in Arabic and more so in indexing. However having only less than 36 errors in Hadith rating, which later were corrected in the next mention work by his superior the non-Wahabi Muhadith Al Ghumari.

The Grand Muhaddith Abdullah ben Siddique Al-Ghumari lead his student Ahmad Darwish to produce the best collection and called it “Rad el-Itibar” which is available on our websites in the corner for young Muhadiths.

At the moment all the Ahadith on earth are classified into 3 collections:

Collection 1 see layout picture, Arabic introduction and concordances

Managed by Suyuti, Nabahani, Ghumari, Albani, and sealed and finalized by Darwish. Transmitted by (all of you who are interested to be young Muhaddiths), members of Muhammad.com

14,587 Ahadith broken down as follow:

8,266 authentic (this is over 70% of all authentic Hadith)
4,629 weak (but not false, so it is practiced)
27 of which are Mawkouf (standby)
1,806 false (so it is not practiced)

The above collection is extracted from 30-72 books (including Bukhari and Muslim) and with world consensus of all scholars of Ahadith, even Albani of the Wahabi (Kharijies) sect. Albani differs in 26 Hadith, where he was overruled. Due to the fact that he either judged some based on his Wahabi (Kharijies) inclinations or because he learned the science from books and not transmitters his errors totaled 107.

At Muhammad.com, you can download the 8,266 in Arabic in one click. It includes a general ijazah, or traditional authentic permission from Muhaddith Ahmad Darwish, the servant of Hadith.

Also, it is worth noting that this collection is about equal in number to “Jama Al Masool” and “Mishkat al Musabeeh” combined, being short only 289 Ahadith.

This collection is in a very accurate mechanical, alphabetic order which corrected Albani’s inconsistent numerical ordering. Also, there is a section that corrects Albani in the 107 places of error. We kept to the etiquette of the scholars of Hadith and handled his Hadith issues only, keeping away from his Wahabi (Kharijies) tendencies.

Also, this collection is in progress of being translated into contemporary English and all are given away free, as is the habit of all scholars of Hadith throughout time. We hope that the youth will revive the science of Hadith transmission by aThering to this collection.

Collection 2

Managed by Suyuti, Mutaqi al-Hindi, Nabahani, Ghumari, and in progress of being sealed and finalized by Darwish and Ninowy.

Approximately 32,000 Hadith of Kanz without repetition, which includes the 14,587 above, leaving approximately 18,000 remaining to be finally researched. Pray that Sheikh Ahmad receives the success from Allah to be honored to serve it.

Collection 3

Managed by Suyuti, Mutaqi al-Hindi superceded by both Collections 1 and 2 and kept for Hadith historical consideration.

46,624 Ahadith, prepared in alphabetical order by Suyuti. He extracted them from all Hadith books on earth, a total of 72 books, which with repetition comes to some 350,000 Ahadith. Mutakil Hindi later removed the repetition occurring in the 46,624 and arranged them in subjects, thereby reducing Collection 2, and thus superceding both Collections 1 and 2, rendering them for academic research only. Also worth noting is that production of Collections 1 and 2 were Suyuti's intention before his passing. Therefore the scholars who finalized Collections 1 and 2 are true to the service of the Science of Prophetic Quotation according to Suyuti's profound plan. Truly he was called the Sheikh of Prophetic practiceh, even by the Prophet in several visions.

The above 350,000 with repetitions spreading in all different directions of the world for the same exact Hadith text, reaching about 1 million.

This means that there are about 35,000 Ahadith trafficking among a million Hadith transmitters, where all are documented, guarded, and well known. The details are at such a level that if the Prophet said things in two ways, or if someone inserted a word, the very location and setting of the statement and who he said it to is known. And if it is falsified, they know who the liar who started it is and who reported it via him.

Verbal Transmission and Written Transmission

By the time of Baihaki (died 456 A.H.), every Hadith in a verbal form was written down in a well known book, so after him, no one could come up with a Hadith. Also, when they stamped the time, they knew where and when the transmitter was born and when he passed away.

And among the 100,000 companions the scholars of Hadith focuses on 13,000 companions and know the details of their entire lives and who received Hadith from them.

The significance of False Hadith

The Scholars of Hadith, starting with the companions of the Prophet and their children, were so ingenious in setting up a methodology to verify with witnesses that every Hadith reported second hand, not directly from the Prophet, is cornered (time stamping it at every stage of transmission, and constituting seven methodologies of delivering a Hadith from one person to another) and recorded including the integrity and biography of the transmitter and his relationship to the upstream and downstream transmissions.

This methodology was not only subjected to the good, honorable people, but also the liars. This indeed was an ingenious way to record every false statement ever said about the Prophet and also who said it, and entering it into dictionaries of

Liars and dictionaries of false Ahadith. If they gathered everything about the false Hadith, imagine the authentic ones!

Methodology

So, our students of Hadith should focus on Hadith terminology and Collection 1. They do not have the authority to touch Collection 2 because they do not have the capability of the required professional judgment. In fact, there are only a handful of people on earth who can claim this authority.

The most current effort is found in www.Muhammad.com which is 8,266 authentic Hadith compiled by Ahmad Darwish As-Sheikh under the auspice of his Shaykh and the Grand Shaykh of Hadith in this century, the late Sayed Abdullah Ben Siddique al Ghumari.

5 The Characteristics of Those Bearing the Transmission of Hadith

The following lists the rules applied by the Masters of this Science for the purpose of dealing with the characteristics of those to whom the bearing of Hadith was entrusted.

They took into consideration the trustworthiness and piety of the narrators from the Holy Prophet, praise and peace be upon him, down to the current narrator. They did not accept any Hadith which was submitted unless they were fully satisfied that it came from the Holy Prophet Muhammad, praise and peace be upon him. To do this they applied such rules laid down below:

1. It must have been clearly mentioned that such and such a thing was said or done by the Holy Prophet, praise and peace be upon him.
2. The narrator stated that he was present or had heard the Hadith uttered by the Holy Prophet, praise and peace be upon him, or in the case of his being removed by distance of time and place, he had given a complete chain of narrators from the last link up to the Holy Prophet himself, praise and peace be upon him.
3. A Hadith leveling an accusation against a companion of the Holy Prophet, praise and peace be upon him, or Ahl-i-Bait (a member of the Prophet's household) was rejected.
4. A Hadith having a non-Arabic style and inferior sense of words was rejected.
5. It must have been proved that he actually met each one of the chain of narrators from which he derived his information.
6. Proof that each of the narrators had received the Prophetic Quotation when they were old enough to understand the full importance of the quotation.
7. A quotation which was inconsistent with established historical facts was rejected.

8. The description of a tradition sanctioning a very severe punishment for the slightest fault or promising a high reward for a very small virtue was cause for rejection.
9. Each one of the narrators from the last person up to the Holy Prophet Muhammad, praise and peace be upon him, must have been by a person well known for his piety, virtue, and honesty.
10. Each one of the narrators must have been well known for his learning, so that he might safely be presumed to be competent both to understand the Hadith correctly and faithfully deliver to others what he had heard.
11. If a reporter narrated a Hadith which ought to have been known and acted upon by Muslims generally but was unknown, the reporter was alone in narrating it, it was discarded.
12. A saying which was contradictory to reason or a known principle of law was rejected
13. A quotation which was contradictory to the teaching of the Holy Koran was classified as being grounds for rejection.
14. A tradition contradicting the universally accepted sayings of the Holy Prophet Muhammad, praise and peace be upon him, was rejected.

From the aforementioned, it is apparent that the Masters of the Science of Hadith approached the subject in various ways and developed it into a system of philosophy.

The narrators had certain qualifications which were known to the listeners. Not all the people collected the Ahadith and those who did would not be heard unless their good character had long been established. The following are some of the qualifications which the narrator of authentic Prophetic Quotations must possess.

The Masters of the Science said that these are the characteristics of the reliable chain of transmitters:

1. The name, familiar name, title, parentage, and occupation of a narrator must have been known together with date of birth and death.
2. The narrator must not have spoken falsely when relating any tradition from the Holy Prophet, praise and peace be upon him.
3. The narrator must not have been accused of any crime or known to be a liar.
4. He must not have made frequent mistakes or blundered.
5. The narrator must not have been careless in relating Hadith.
6. The narrator must not have been wicked in either words or deeds.
7. The narrator must not have held any peculiar religious view.
8. The narrator must not have had a bad memory.
9. The narrator must have examined the Hadith in detail in light of the Holy Koran.

In the case of spurious traditions, the Masters of Hadith recorded the following:

1. Whether it was invented by the narrator.
2. Whether it was borrowed from other people.
3. Whether it was based upon another doubtful Hadith.
4. Whether it was due to the narrator's skepticism.
5. Whether it was due to ignorance on the part of a pious devotee.
6. Whether it was due to religious bigotry.
7. Whether it was to please the ruling classes, such as a king or an official.
8. Whether it was only for popularity.

In addition to these rules, the Masters went to great lengths to ascertain whether the narrator had only given the meaning of what he had heard or the actual words of the Holy Prophet Muhammad, praise and peace be upon him. Unless the narrator had been proved to be known for both learning and piety, the deviation was looked upon with suspicion and the Hadith rejected.

When Mecca peacefully surrendered to Prophet Muhammad, praise and peace be upon him, he had approximately ten thousand companions. As-Suyuti mentioned in one of his alphabetically arranged books concerning the biographies of twelve thousand companions of Prophet Muhammad, praise and peace be upon him, that when he left this world, he left behind him approximately one hundred and fourteen thousand companions.

In this science, we are taught that Imam Malik (who taught in the second century, died 179 A.H., 795 Christian Era at the age of 85) taught his book of Hadith "Muwatta" to no less than one thousand students. Consequently the numbers of the second and third generations of transmitters increased. At the same time the history of the lives of the transmitters increased and were known then recorded in the Science of Asma ur Rijal (the Lives of the Transmitters). In this way, both the true and false narrators became known and recorded. The false narrators were rejected with their work and verified transmitters were protected by the reinforcement of this science.

6 Classification of Prophetic Quotations (Hadith)

1. Mutawatir (Continuous) – This is a tradition reported by a large number of people at different times, so as to make it impossible for any corruption to permeate.
2. Sahih (Sound) – This title is given to the utterly flawless transmitted Hadith. There is neither weakness in regard to the chain of transmission (Sanad) nor in the text (Matn), nor is there any contradiction in the established belief in the Holy Koran.
3. Hasan (Approved) – This is similar to Sahih tradition except for the fact that some of its narrators have been found to have a defective memory when compared to the narrators of Sahih Hadith.

4. Ghareeb (Rare) – The Hadith in the chain of transmission for which the number of narrators is reduced to one at any stage is known as a Ghareeb Hadith. Imam Tirmithi used two special terms regarding both the Hasan and Gharib Ahadith expanding their categorization which are:
 - a. Hasan Sahih – A Hasan Sahih Hadith is one which has a higher degree of authenticity than that of Hasan, but at the same time its degree of authenticity is somewhat lesser than that of Sahih.
 - b. Hasan Sahih Gharib – A Hasan Sahih Hadith is at times qualified by the word Gharib when the link in transmission is joined to another at a certain point by one transmitter only. It is of course Hasan in respect to its soundness and Gharib only in regard to its chain of transmission.
5. Mashhur (Well Known) – This is a tradition which has been handed down by at least three different reliable authorities, or according to another definition, a tradition which, although widely spread later, was originally transmitted by one person in the first generation.
6. Muttasil or Mawsol (Joined) – This is a tradition which has successive narrators without any missing link, irrespective of the fact of whether it is traceable directly to the Holy Prophet, praise and peace be upon him, or to one of his companions, may Allah be pleased with them.
7. Marfu' (Traced Directly) – This is a Hadith which is not as strong as the one in the previous classification and is traced directly to the Holy Prophet, praise and peace be upon him, and has more characteristics.
8. Mursal (Forwarded) – If a companion of the Holy Prophet, praise and peace be upon him, is found to be missing from the chain of transmission and one of the Tabieen (successors of the companions) transmits it, then the Hadith is called Mursal.
9. Maukuf (Suspended) – Maukuf is a Hadith in which the companion does not make the fact explicitly clear that he is narrating the Hadith of the Holy Prophet, praise and peace be upon him. For example, the narrator says that Hadrat 'Umar Ibn Khatab said such and such.
10. Qudsi (Divine) – The Prophetic Quotation receives its meaning from Allah but the words are from the Prophet, praise and peace be upon him. In a Hadith Qudsi however, both the meaning and the words are from Allah such as those of the Holy Books given to Abraham, et cetera. The difference between the Hadith Qudsi and the Holy Koran is that the reading of the Holy Koran is used for worshipping and the Holy Koran contains the challenge from Allah for anyone to produce a verse like it. The following Hadith has been transmitted on the authority of Abu Tharr Ghifari, may Allah be pleased with him, in which the Holy Prophet, praise and peace be upon him, conveys the message of Allah in His very Name:

Hadith Qudsi:

“Oh My worshippers! I have made oppression unlawful for Me and have forbidden oppression for you also. Therefore, do not oppress one another.

You all go astray except for the one whom I guide to the right path. Therefore beg guidance from Me only. (Muslim)

11. Da'if (Weak) – A Hadith which is weak has a defect either in the chain of transmission or in the correct understanding of the transmitter, or its contents are not in perfect agreement with Islamic belief and practices. It is in fact a tradition of weak or less reliable authority.
12. Maktu' (Broken) – This is a Hadith with a chain of transmission that cannot be traced beyond one of the successors (Tabieen).
13. ShaTh (Isolated) – This is a Hadith in which a comparatively less authentic narrator of Hadith opposes one whose account is more authentic than his.
14. Munkati' (Disjointed) – This is a Hadith in which either a link in the chain of transmission is found to be missing or an unknown narrator is found to join the chain.
15. Maudu' (Forged) – This is a type of “Hadith” which a liar fabricates and then attributes it to the Holy Prophet, praise and peace be upon him.
16. Munkar (Disapproved) – This is a Hadith in which a weak transmitter of Hadith opposes one who is reliable and a proven authentic transmitter of Hadith.
17. Mudallas (Deceptive) – If the transmitter of the Hadith does not mention the name of his teacher and gives the name of one who is a degree higher than his teacher using the words “meaning from so and so”, this type of Hadith is called Mudallas and the act of concealing the name of the teacher is called Tadlees (deception).

We would like to make it clear that the Mutawatir (the first term in this classification) is considered as the highest degree of authenticity. The transmission of the Holy Koran has been received in this way. The Holy Koran was revealed over a period of twenty three years and its verses were then learned and committed to heart and memory. It is amazing that because the Holy Koran was revealed in such magnificent and expressive Arabic, even the enemies of the Holy Prophet, praise and peace be upon him, knew the verses by heart.

It is because of the many pious, learned Muslims in each generation that meticulously bore the Prophetic Quotations together with their chains in such precise, detailed ways using this unique archiving methodology of transmission, which is a requisite of proof of authenticity with its degrees of classification — makes all what receive up to date.

7 Which Hadith to Use

When it comes to practicing the Hadith, only the authentic Hadith (Sahih and higher) and Da'if (and no lesser) are permitted.

Regarding the Da'if Hadith, from the point of view of faith, one must not confirm that the Prophet, praise and peace be upon him, said it. Rather, it is referred to in the passive voice phrase by saying "Ruwia anhu", which means "It has been reported about him". The conditions pertaining to the acceptance of Da'if Hadith must not be waived, for example they must not be very Da'if. Nor should they be against the fundamental principals of Islamic theology or principals of jurisprudence. Generally speaking, in the arena of ethics, the use of Da'if Ahadith is frequent. However, the usage of the conditions pertaining to Da'if Ahadith are only to be conducted by those deep in Islamic knowledge.

Unfortunately, groups of ignorant or semi-knowledgeable people have started to apply these conditions to the authentic Ahadith and have caused thereby a great deal of confusion, with the result that they harm the authentic Hadith.

10 Major References of Hadith Graded for Study

1. RiyaTh-us-Saliheen, compiled by Imam An-Nawawi. This reference contains approximately two thousand Ahadith arranged in two hundred and sixty one subjects. It covers all aspects of everyday life.
2. Miskhat-ul-Masabeeh, compiled by Shaikh Walay-ud-Din At-Tabrizii. This contains 6,285 Hadith (s) and is the first reference to be studied by those wishing to become specialists in the academic studies of Hadith. It is also an invaluable reference for imams to fortify their Islamic background.
And its explanation:
 - a. Al-Kashif Am Hakaik As-Prophetic practice, by Al Hasan Ibn Muhammad At-Tibi (743 A.H.)
 - b. Minhaj Al Mishkat, by Abd Alaziz Ibn Muhammad Ibn Abd Alaziz Al Abhari (895 A.H.)
 - c. Mirkat Al Mafatih, by Alu Kari (1014 A.H.)
 - d. Mirkat Al Mafatih, by Abd Alhak Ubaid Allah Ibn Al Allama Muhammad Abdu Salam Mubarakbrui
 - e. At Tal'lik us Sabih Ala Mishkat ul Masabeeh, by Maulana Muhammad Idris KanThalwi
 - f. Al Lama At, by Sheikh Abd Al-Hak Dehlvi
 - g. Mazahir-i-Hak, by Maulana Kutub-ud-Din Shahjahanpuri
3. Muwatta, by Imam Malik explained in:
 - a. Tanweer Al Hawalik, 2 volumes, by As-Suyuti
 - b. Az-Zorkani Ala Ala Muwatta
 - c. Al Montakaa by Al Bajee
 - d. At Tamheed, 16 volumes, by Al Hafiz Ibn Abdul Barr (recently printed for the first time by King Hasan of Morocco)
4. Jami At-Tirmithi , explained in:
 - a. Aridat al Ahwazi Sharh At-Tirmithi, by Al Hafiz Abu Bakr Ibn Al Arabi
5. Abu Dawud, explained in:
 - a. Awnul-Ma'bod Sharh Sonan Abi Dawud

- b. Ma'alem As Sonan, by Al Khattabi
 - c. Al Manhal Al AThb Al Mawrood, by Sheikh M. Kattab Al Subkey
- 6. Sahih Al Bukhari, explained in:
 - a. Fat-hul-Bari Sharh Sahih Al Bukhari, by Hazif Ibn Hajar Askalani
 - b. Al Qustalani Ala Al Bukhari
- 7. Sahih Imam Muslim, explained in:
 - a. Sharh Muslim, by An Nawawi
 - b. Fat-hul-Mulhim Sharh Muslim, by Shabbir Ahmad Uthmani
- 8. An-Nesa'ee, explained in:
 - a. Zahrur-Roba, by As-Suyuti
- 9. Ibn Majah, explained in:
 - a. Misbah Az Zujajah Sharh Sonan Ibn Majah, by As Suyuti
- 10. Al Mustadrak, by Al Hakim. Another famous reference for the specialist in the study of Hadith.

9 Bukhari and Muslim Encyclopedia

Bukhari and Muslim Encyclopedia

- 11. In our Islamic Database, which is the largest in the world to date, we have included under the Science of Prophetic Quotations:
 - a. Bukhari and Muslim in English without repetition
 - b. Bukhari and Muslim Prophetic Quotations in English, complied by Imam An Nawawi, avoiding repetition and covering 373 subjects.
 - c. 8,266 Arabic Hadith Sahih. This is the largest collection extracted from Bukhari and Muslim as well as other authentic references, avoiding repetition. It comes with two databases, the first contains the references of each Quotation, and the second has an easy to understand introduction to the science of Hadith, with its terminology and veracity.
 - d. Jami Saghir. 12,874 Arabic Hadith, the largest collection of Hadith in Arabic, alphabetically arranged and with no false Hadith.
 - e. The Science of the Koran and Hadith. The Arabic Koran and Hadith combined – the 6,236 verses linked with the 8,267 Hadith. Each verse is marked to define whether it is from the Koran or Hadith and can be searched by selecting a word or more to receive everything the Koran and Hadith have to say upon your selected subject(s).
 - f. Hadith Terminology in English. This book.

The above mentioned references are suggested for the study of the text (Matn) of Hadith.

The following references are suggested for the terminology of Hadith:

- 1. Al Ba'ith Al Hatheeth, by Ibn Katheer
- 2. Mukaddemat Ibn As Salah
- 3. Tuhfat Al Fikar, by Ibn Hajar

4. Tadreeb Al Rawi, by As Al Hafiz Suyuti
5. Fath Al Mugheeth, by As Sakhawi
6. Tawjeeb An Nazar, by Al Hafiz Al Iraqi

10 General Arrangement of Hadith References

1. The 8,266 authentic among the above Collection 1.
2. The first one includes Bukhari, Muslim, the Muwatta of Imam Malik, and Mustadraj references. These references are the highest level of authentic Hadith. Unfortunately, the average Muslim is only familiar with Bukhari and Muslim although Muwatta and Mustadraj are of the same degree.
3. The second one includes Jami Tirmithi, Sunan Abu Dawud, Musnad Ahmad Ibn Hanbal, and Nasai. These references are of a lesser degree than the above references but are for the most part authentic. However, there are a few Ahadith that are not sound and these are referred to by their authors. The reason for mentioning this is that these unsound Ahadith can be used to illustrate morals and good deeds, however they must not be used for worshipping.
4. The third category consists of those Hadith which include all types of weak traditions. Their chains of transmission contain some missing links, for example, Musnad of Ibn Abi Shaiba and Musnad of Tayalsi. These references are mixed with sound and unsound Ahadith, the majority being unsound. Only the learned scholars can derive benefit from them.

@*BOOK 26: Spiritual Roadmap by Ghazali - English Edition of Munqith Min Dalal
"If every man and woman, who is seeking the truth on the planet, should read only one roadmap book, indeed this book will be the only choice."

The Savior from Spiritual Error

and the Deliverance to the Lord of Might and Majesty

A Journey from Doubt in Spiritual Road to Certainty of Faith

Articulated by
Sidi Muhammad and Sidi Ahmad
of
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Atlanta, USA

Proofread by Ryan O'Meallie

Confronting and Guiding
The **Theologians**, **Authoritarians**, **Talkers/Talks** (Kalam and Mutakallemon) are those who believe in opinion and examination, together with the secular politicians and their affiliations, The **Christian** who reject Prophet Muhammad and the rest of the Prophets of Allah, **Jews** who reject Prophet Muhammad, and the rest of the Prophets of Allah and the **Muslims** who do not practice Science of Spiritual Perfection (Ihsan) **Battiniya** – the people who covet and conceal their

spiritual false orders, **Zahiriya** (the **Wahabis**), and **Philosophers**. Admiring the Sufis: the people who follow the Science of Spiritual Perfection (Ihsan)

The Ghazali's Heritage Collection
Algazle (al-Ghazali, died 505/1058-1111 A.D)

“Deep study of al-Ghazali may suggest to Muslims steps to be taken if they are to deal successfully with the contemporary situation. Christians (Nazarenes) at the west, too, now that the world is in a cultural melting-pot, must be prepared to learn from Islam, and are unlikely to find a more sympathetic (spiritual) guide than al-Ghazali.”

W. Montgomery Watt,
The Senior Lecturer in Arabic University of Edinburgh 1952

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i. Preface

The contents of this book are drawn from Ghazali's ethical, social, philosophical, and mystical mastery together with the whole bookshelf of the united multi-cultural and spiritual civilization of his times.

Yet Ghazali's intellectual property is still valid to the current challenges of today, for the same circumstances are repeating themselves under new labels and schools of thought. Indeed, there is a great enjoyable wealth of well researched and highly organized material from Ghazali, tackling confusion in a time much like our own, where religion had become localized, split into many sects, and dried of the spirituality that can inspire, heal, and guide. Especially now, when

the masses and political leaders are at a loss in securing the pursuit of happiness, suffering from a deep state of disillusionment, and subject to feuding ideologies... no fear, Ghazali is here.

Ghazali showed us all how he himself was saved in his journey from doubt and human suffering to Divine Truth and also showed us in his scientific illustration and analysis of traditional spirituality, how to preserve and inspire our fellow people to tap into spiritual and social virtues. This way indeed had united families, classes, parties, and states into one great nation under God, in obedience to the Creator, yet enjoying all manners of rich material and spiritual happiness striking a balance between the physical and the metaphysical.

Ghazali gives us one stop spiritual shopping for Jews, Christians, Muslims, and the rest of the universe alike. You will see him quoting Jesus and Buddha, Abraham and Moses after quoting Allah and Prophet Muhammad.

When Ghazali was thirty-three years of age, he had accomplished – and rightly so - the most distinguished “Whitehorse” position in the global academic world of his time. It is no wonder that he was invited, due to his prime achievement, by the most powerful Sultans on the planet, who enjoyed hearing well-versed and articulated dialogs in his court between top scholars and who sponsored schools and institutions of academia throughout his administration.

Before we dive in any further, let us review human civilization from the perspective of this book. Human civilization consists of two aspects, the first one is material and the second is spiritual with cultural impact.

The material aspect addresses only the five sense based civilization and its wonders of science and math, etc.

The spiritual aspect deals with ethics, faith, and law of jurisprudence, which are all beyond the five senses of the material aspect.

Ghazali addressed the four big players of his time, which continue until now:

1) **Talkers/Talks** (Kalam and Mutakallemon) are those who believe in opinion and examination, together with the secular politicians and their affiliations. The current academia also belongs to this category due to the fact that they force stop their research short of any connection to divinity, they separate religion from the curriculum, and if there is any religious study it is objective and historical. They even went so far as to invent a substitute for spirituality with manmade sciences like Psychology and Sociology, etc. The French Revolution established with the good practice of freedom, unfortunately they also separated Religion from State and established secularism, while the supreme court of the USA kicked religion out of the educational system in the 1960s, to the dismay of the majority of Americans.

2) The **Christian** who reject Prophet Muhammad and the rest of the Prophets

of Allah, **Jews** who reject Prophet Muhammad, and the rest of the Prophets of Allah and the **Muslims** who do not practice Science of Spiritual Perfection (Ihsan) nor show their love to Christians and Jews inviting them to Islam.

3) **Battiniya** – The people who covet and conceal their spiritual orders, with some using assassins to silence their opposition. They have succeeded to control the governments in Iran for a long time. Added to this is any manmade religion, such as Indian, Chinese, and Native American religions.

4) **Zahiriya** - The wahabis who follow false-shaykh al -Islam ibn taymia and [mohamed ibn abdelwahab](#)

5) **Philosophers** – Philosophers are those who claim they are the people of logic and proof.

6) Finally admiring the Ihsanic **Sufis** – the people who follow the Science of Spiritual Perfection (Ihsan) in which they strike a balance between material disinterest and spiritual enlightenment. (as defined the Prophet in ‘What is Ihsan?’)

ii. Overview

As a result of many horrible wars and horrible terrorist acts that have devastated the global citizens; men, women, and children everywhere feel a twofold need.

We need a deeper understanding and appreciation of other peoples and their civilizations, especially their moral and spiritual achievements. And we need a wider vision of the universe, a clearer insight into the fundamentals of ethics and religion.

How ought people to behave? How ought nations? How does the Creator relate to His creation? Especially, how can man approach Him? In other words, there is a general desire to know what the greatest minds, whether of East or West, have thought and said about the Truth of the Creator and the beings that were created by Him, live by Him, and return to Him.

It is the object of Muhammad.com and the friends, thinkers, seekers of knowledge, youth, laymen, pastors, priests, and rabbis of internet citizens, to place the chief ethical and religious masterpieces of the world, both Christian and Islamic, within easy reach of the intelligent people who are not necessarily experts.

The extensive collections of Al Ghazali were written in Arabic by Imam Abu Hamid al-Ghazali, or Algazel as he was known to medieval Europe (died 505/1111).

His numerous works are well known, respected, and quoted not only in the Middle East but in the higher universities of the West. His contribution to theology and philosophy have proved to be major cornerstones of academic research throughout the centuries.

During the revival of Greek philosophy in the middle ages, many Christians (Nazarenes) were attracted and persuaded by Greek logic. In an effort to protect Christianity, Christian theologians relied upon the profound arguments of Al Ghazali to defeat the adherents of Greek philosophy and thereby protected their religion.

Al Ghazali's works have been translated and printed in many languages. Comparative studies have shown that Jean Jacques Rousseau, known in the west as the pioneer of children's education, based his ideas and methods upon the work of Al Ghazali.

The Shorter Encyclopedia of Islam says of Al Ghazali: "He was the most original thinker that Islam produced and its greatest theologian."

A.J. Arberry, professor and director of the Middle East Centre at the University of Cambridge, England referred to Al Ghazali as follows: "He was one of the greatest mystical theologians of Islam and indeed of all mankind."

We recommend that you read ["Pure Faith Defined" by Imam Ghazali](#) available at Muhammad.com, a translation of Imam Ghazali's greatest work, in which he explores in great detail and defines faith.

Abu Hamid Muhammad al-Ghazali was born at Tus in Persia in 450 A.H. (1058 A.D.) His father died when he was quite young, but the guardian saw to it that he and his brother received a good education. After the young Ghazali had spent some years of study under the greatest theologian of the age, al-Juwayni the Ihsanic (Sufi) Imam of al-Haramayn, his outstanding intellectual gifts were noted by Nizam al-Mulk, the powerful minister (vizier) of the Turkish sultan, who ruled the `Abbasid caliphate of Baghdad. He appointed Ghazali professor at the university he had founded in the capital. Thus at the age of thirty-three he had attained one of the most distinguished positions in the academic world of his day.

Four years later at 37 years of age, he met a crisis; it had physical symptoms but it was primarily spiritual and religious. He came to feel that the one thing that mattered was avoidance of Hell and attainment of Paradise, and he saw that his present way of life was too worldly to have any hope of eternal reward.

After a severe inner struggle, he left Baghdad to take up the life of a wandering abstinent. Though later he returned to the task of teaching, the change that occurred in him at this crisis was permanent. He was now a spiritual and religious man, not just a worldly teacher of religious sciences. He died at Tus in 505

(1111).

The first of the books he wrote upon his return, presented freely here for your consumption, is the source for much of what we know about al-Ghazali's life. It is spiritually autobiographical, yet not exactly an autobiography. It presents us with an intellectual analysis of his spiritual growth and also offers arguments that prove that there is human spiritual apprehension that is heavenly guided and higher than rational apprehension, namely that of the Prophets when Allah revealed truths to them.

Though not common knowledge in the West, without Ghazali, the endeavor of influential leading philosophers of the renaissance such as Descartes, Jean Jacques Roseau, and the like would not exist. In fact, Descartes introduces his discussions in a manner following Al-Ghazali, without mentioning al-Ghazali. Looking for "necessary" truths, Descartes came, like al-Ghazali, to doubt the infallibility of sense-perception, and to rest his philosophy rather on principles which are intuitively certain. But Ghazali had far superior spiritual and ethical qualities not to mention a path to spiritual reality, and far reaching global balance and so Al-Ghazali classified and addressed the various seekers of truth of his time into four distinct groups: Theologians, Philosophers, Authoritarians, and Mystics.

Scholastic theology had already achieved a fair degree of elaboration in the defense of Islamic traditions, as a perusal of *al-Irshad* by al-Juwayni, (translated into French), will show. Al-Ghazali had been brought up in this tradition and did not cease to be a theologian when he became a mystic. His criticism of the theologians is mild. He regards contemporary theology as successful in attaining its aims, but inadequate to meet his own or anyone special's spiritual needs because it did not go far enough in the elucidation of its assumptions. There was no radical change in his theological views when he became a mystic, only a change in his interests, and some of his earlier works in the field of strict rules are quoted with approval in *The Savior from Spiritual Error (al-Munqith)*.

The Philosophers with whom al-Ghazali was chiefly concerned were those he calls "theistic", above all, Al-Faraabi and Avicenna (Ibn Sina). Their philosophy was a form of Neo-Platonism, sufficiently adapted to Islamic monotheism for them to claim to be Muslims. The achievement of Al-Ghazali was to master the philosophers technique of thinking -mainly Aristotelian logic- and then, subject it to itself and to his originality and find its internal errors, relying on the proof and logic of Divinity. The conflict of Greek philosophical techniques with Islamic theology, was in fact not fair and quite lopsided, in which the masters of Muslim theologian, led by Ghazali, put these techniques in their place if not to shame! Undoubtedly, Al-Ghazali did well in judging much of Greek Philosophy and Neo-Platonists.

Those whom Al-Ghazali calls the party of *ta'lim* or academia (authoritative

instruction) such as Isma'iliyah and Batiniyah in his time, and in our time the academic secularism that replaces the revelation by manmade metaphysical doctrines, like Psychology and the like.

There had been an materialistic disinterest (abstinence from honoring materialism over spirituality) also known as Ihsan or Sufism in Islam from the time of Prophet Muhammad himself, and this could easily be combined with traditions. From the Ihsanic Sufis or mystics, Al-Ghazali received the most help with his personal problems, yet he could also criticize any extravagances. Al-Ghazali was a great success in keeping his mysticism in harmony with Islamic tradition and with the performance of the common religious duties. When he became a mystic, he did not cease to be a good Muslim any more than he ceased to be an Ash'arite theologian, this speaks to Al-Ghazali's balance as a spiritual guide.

What al-Ghazali learned in the years of solitude after he left Baghdad, he tried to set down in his greatest work, *The Revitalization of the Religious Sciences (Ihya' `Ulum ad-Din)* available soon at Muhammad.com.

Al Ghazali has another book, which goes hand in hand with this one, called *The Beginning of Guidance (Bidayat al-Hidayah)*, which Allah-willing will be undertaken at a later time.

Al-Ghazali has sometimes been acclaimed in both East and West as the greatest Muslim of his time and as the Proof of Islam and a great follower of Prophet Muhammad, and he is by no means unworthy of that dignity. His greatness rests above many on four things:

- 1) He was the leader in Islam's supreme encounter with Greek philosophy, the encounter from which Islamic theology emerged victorious and enriched, and in which Arabic Neo-Platonism received a blow from which it did not recover.

- 2) During the revival of Greek philosophy in the middle ages, many Christians (Nazarenes) were attracted and swayed by the persuasion of Greek logic. In an effort to protect Christianity, Christian theologians relied upon the profound arguments of Al Ghazali to defeat the adherents of Greek philosophy and thereby protect their religion.

- 3) He illustrated the harmony between tradition and mysticism (Ihsan); which is the original balanced tradition of the Prophetic era. The theologians still went their own way and so did the mystics, but the theologians became more ready to accept the mystics as respectable, while the mystics were more careful to remain within the bounds of tradition.

- 4) Wahabi (Kharijies) hated him for he is the living proof they are wrong, and he was welcomed by the Turkish Sultans, which they hated most. They were in fact the instruments bringing down the Caliph through bribes of up to 18 Billion dollars from the British, now in the banks of 19 blood relatives of their found, so they

banned his work in Saudi Arabia. Also, their first backer, Ibn Taymia could not stand al Ghazali.

Yet perhaps the greatest thing about al-Ghazali was his personality, and it may yet again be a source of inspiration. Islam is now wrestling with Western thought as it once wrestled with Greek philosophy, and is as much in need as it was then of a “revival of the religious sciences”. Deep study of Al-Ghazali directs Muslims to the steps to be taken if they are to deal successfully with the contemporary situation. Christians (Nazarenes) too, now that the world is in a cultural melting-pot, must be prepared to learn from Islam and are unlikely to find a more sympathetic guide than Al-Ghazali.

This is also true for the American administration and the middle and far east governments who would like to revive Islam and remove the Wahabi manuals and curriculum from the hands of innocent Muslim youth. Ghazali has no twin and is the answer as nobody will consider Al Ghazali as an interference in Islamic culture. To give you an idea, even the Shiite authorities took Ghazali’s work and adapted it to Shiite reference because they could not live without them.

iii. Ghazali Introduction

In the Name of Allah, the Merciful, the Compassionate

Praise be to Allah, the One with Whose Praise every message and discourse must start. And veneration on His Chosen, Muhammad, the owner of the Prophethood and Messagehood, his family and his companions, who guide away from error.

Having said that:

The following is what I have compiled to demonstrate the evils of philosophy, academia, and their diseases and also the diseases of those who attack them. I ask Allah the Great that He makes us of those preferred and brought close, whom He guides to the Truth and pure Guidance and whom He inspires not to forget Him, and whom Allah has protected from the evil of themselves in order that they do not prefer other than Allah, and among those Allah extracts for Himself in order that they do not worship but Allah. Indeed, Allah has venerated our master Muhammad, his family and companions, and given him peace.

You must know -and may Allah Most High refine your righteousness and soften your guidance to the truth- that the different religious observances and religious communities of the human race and likewise the different theological systems of

You have asked me, my brother in religion, to show you the aims and inmost nature of the sciences [materialistic, spiritual and cultural, philosophical and Judeo-Christo-Muslim religion] and their secrets and the perplexing depths of religious systems. I relate to you the difficulties I encountered in my attempt to extricate the truth from the confusion of contending sects, between the wide difference in ways and methods, and how I braved climbing above the plain of naive emulation and second-hand belief (taqlid) to the peak of direct vision. What I have benefited firstly from the science of theology [with its logic and debate] (kalam), secondly, what I hated of the methods of the academics (ta`lim) (authoritative instruction), who are rendered incapable to comprehend the truth in respect to following the spiritual guide [the Prophet Muhammad] (taqlid), thirdly, what I rejected of the methods of philosophy, and lastly, what I was satisfied with in the Science of Ihsan (Spiritual Perfection) [Sufi]. What core truths that became clear to me of the sayings of people after my manifold investigation. What busied me from spreading knowledge in Baghdad although there are plenty of demanding students and what made me returned to spreading knowledge in Naysabur (Nishapur) after a long interval. I am proceeding to answer your request, for I recognize that your desire is genuine. In this I seek the help of Allah and trust in Him; I ask His succor and take refuge with Him.

the religious leaders, with all the multiplicity of sects and variety of practices, constitute ocean depths in which the majority drown and only a minority reach safety. Each separate group thinks as the Koran indicates, that it alone is saved, and 'each party is rejoicing in what they have' (Koran 23, 55; 30:32). This is what was promised by the master of the Messengers the praise and veneration of Allah upon him, for he is the truthful and trustworthy, when he said,

"My nation will be split up into seventy-three sects, and only one of them is saved"

Which was reported by Ahmed, Abu Dawud, Ibn Maja, and Tirmithi. And what he foretold has indeed come about.

From my early youth, since I attained the age of puberty before I was twenty, until the present time when I am over fifty, I have ever recklessly launched out into the midst of these ocean depths, I have ever bravely embarked on this open sea, throwing aside all craven caution; I have poked into every dark recess, I have made an assault on every problem, I have plunged into every abyss, I have scrutinized the creed of every sect, I have tried to discover the secret doctrines of every group. All this have I done that I might distinguish between true and false, between sound tradition and heretical innovation. Whenever I meet one of the Batiniyah [Shiite], I like to study his creed; whenever I meet one of the Zahiriyah [Wahabis], I want to know the essentials of his belief. If it is a

philosopher, I try to become acquainted with the essence of his philosophy; if a scholastic theologian I busy myself in examining his theological reasoning; if a Sufi, I yearn to fathom the secret of his mysticism; if a worshipper (*muta'abbid*), I investigate the results of his worshipping; if one of those who believe in the eternity of the universe [Zanadiqah] or who deny the attributes of the Creator [Mu'attilah], I look beneath the surface to discover the reasons for their bold adoption of such a creed.

To thirst after comprehension of the truth of matters was my habit and custom from a very early age. It was instinctive with me, a part of my Allah-given nature, a matter of temperament and not of my choice or contriving. Consequently, as I drew near the age of adolescence, the bonds of mere authority (*taqlid*) ceased to hold me and inherited beliefs lost their grip upon me, for I saw that Christian youths always grew up to be Christians (Nazarenes), Jewish youths to be Jews and Muslim youths to be Muslims. I heard, the Prophetic Saying related of the Prophet of Allah, praise and veneration upon him, as reported in Ahmad, Bukhari, and Muslim, in which he said:

“Every child is born upon innocent upright nature; then his parents make him a Jew or a Christian or a fire worshipper (Magian).”

So inside me I craved to discover the reality of what this original innocent upright nature belief really was and also the reality of this abrupt belief by emulating parents and teachers and to distinguish between these emulations and its beginning, and how it is delivered to the child and to distinguish the truth from all types of falsehood.

I therefore said to myself: “Firstly, what I want is the knowledge of the reality of affairs, so I should seek the reality of knowledge and what it is.” It became clear to me that certain knowledge is so clear that it has no doubt and that no errors or assumptions will be subject to it and that the heart cannot even evaluate such a supposition. Certain knowledge must also be infallible; and this infallibility or safety from error is such that no attempt to show the falsity of the knowledge even if challenged by a person who turns stones into gold or a rod into a serpent. This should not have any impact of doubt on the reality.

And if I knew that ten is more than three and suppose someone told me, “No, three is more than ten, and in proof of that I shall change this rod into a serpent” and goes and does so and I see this for myself. I will doubt my knowledge and all that I will have is a wonder as to how he was able to do what he did. As for the doubt of what I knew, it will not happen.

After these reflections I knew that whatever I do not know in this fashion and with this mode of certainty is not reliable and infallible knowledge; and knowledge that is not infallible is not certain knowledge.

1) The Approach of Sophists and Rejecting Knowledge

Thereupon I investigated the various kinds of knowledge I had, and found myself destitute of all knowledge with this characteristic of infallibility, except in

the case of sensible knowledge [the five senses] and the obvious. So I said, "Now that despair has come over me, there is no point in addressing any problems except on the basis of what is self-evident, namely the sensible knowledge and the obvious. So I must perfect this first in order that I become certain regarding sensible knowledge, same kind as my previous trust in the beliefs I had merely taken over from others and as the trust most men have in the results of thinking? Or is it a justified trust that is in no danger of being betrayed or destroyed'?"

I therefore proceeded with extreme seriousness to reflect on sensible knowledge and the obvious, to see whether I could make myself doubt them. The outcome of this extended *effort* to induce doubt was that I could no longer trust sensible knowledge either. Doubt began to spread here and say: "From where does this reliance on sensible knowledge come? The most powerful sense is that of sight. Yet when it looks at the shadow it sees it standing still, and judges that there is no motion. Then by experiment and observation after an hour it knows that the shadow is moving and moreover, that it is moving not by stops and starts, but gradually and steadily by infinitely small distances in such a way that it is never in a state of rest. Again, it looks at the sun and sees it small, like the size of a quarter; yet geometrical calculations show that it is larger than the earth".

In this and similar cases of sensible knowledge, the sense is a judge making his judgments, but another judge, the intellect, shows him repeatedly to be wrong; and the charge of falsity cannot be rebutted.

To this I said: "My reliance on sensible knowledge also has been destroyed. Perhaps only those intellectual truths which are first principles (or derived from first principles) are to be relied upon, such as the assertion that ten is more than three, that the same thing cannot be both affirmed and denied at one time, that one thing is not both generated in time and eternal, nor both existent and non-existent, nor both necessary and impossible".

Sensible knowledge replied: "Do you not expect that your reliance on intellectual truths will fare like your reliance on sense-perception? You used to trust in me; then along came the intellect judge and proved me wrong; if it were not for the intellect judge you would have continued to regard me as true. Perhaps behind intellectual apprehension there is another judge who, if he manifests himself, will show the falsity of intellect in its judging, just as, when intellect manifested itself, it showed the falsity of sense in its judging. The fact that supra-intellectual comprehension has not been achieved is no proof that it is impossible".

My ego hesitated a little about the reply to that, and sensible knowledge heightened the difficulty by referring to dreams. "Do you not see", it said, "how, when you are asleep, you believe things and imagine circumstances, holding them to be stable and enduring and, so long as you are in that dream-state, have no doubts about them? And is it not the case that when you wake up you know that all you have imagined and believed is unfounded and ineffectual? Why then are you confident that all your waking beliefs, whether from sense or intellect, are genuine? They are true in your present state; but it is possible that you will come

to a state where your waking consciousness has the same relationship to dreaming. Your waking consciousness would be like dreaming! When you have entered this state, you will be sure that your intellect is just empty imagination. It may be that this state is what the Sufis claim to be their special "state" of ecstasy which occurs when they have withdrawn into themselves and are absent from their senses. They witness situations which do not even deal with the intellect. Perhaps that "state" is death; for the Messenger of Allah, may Allah venerate and grant him peace, says: "People are dreaming; when they die, they become awake". So maybe the life of this world is a dream compared with the hereafter and when a man dies, things become different to him than what he knows now, when the words are said to him: "We have taken off your covering, and your sight today is sharp" (Koran 50: 21).

When these thoughts occurred to me and penetrated my being, I sought some way of treating my unhealthy condition; but it was not easy. Such ideas can only be dealt with by demonstration; but demonstration first requires knowledge and since I have none, it is impossible to demonstrate. The disease was baffling and lasted almost two months, during which I was skeptical though not in theory or outward expression. Allah finally cured me of the malady; my being was restored to health and an even balance; the obviousness of the intellect became accepted once more as I regained confidence in its certain and trustworthy character.

This did not come about by systematic demonstration or argument, but by a light which Allah the Most High put in my heart. That light is the key to the best part of knowledge. Whoever thinks that the understanding of things Divine rests upon strict proofs has just narrowed down his thought of the wideness of Allah's Mercy. When the Messenger of Allah, peace be upon him was asked about "enlarging" (*sharh*) and its meaning in the verse, "Whenever Allah wills to guide a man, He enlarges his breast to *Islam*" (Koran 6, 125) he said, "It is a light which Allah the Most High casts into the heart". When asked, "What is the sign of it?", he said, "Withdrawal from the mansion of deception and return to the mansion of eternity." It was about this light that Muhammad, peace be upon him, said, "Allah created the creatures in darkness, and then sprinkled upon them some of His light." That light is an intuitive understanding of things Divine. That light sometimes gushes from the spring of Divine Generosity, and for it one must watch and wait as Muhammad, peace be upon him said: "In the days of your age, your Lord has gusts of favor; so place yourselves in their way".

The point of this is that the task is fulfilled up until seeking what is not sought. Firstly, values are not sought, since they are presently at hand; and if they are sought after, they become hidden and lost. However, when a man seeks what is sought, he cannot be accused of falling short in his pursuit.

III. THE CLASSES OF SEEKERS

When Allah by His Grace and Abundant Generosity cured me of this disease, I came to regard the various seekers of truth as comprising four groups:

(I) the *Theologians (mutakallimun)*, who claim that they are the exponents of

thought and intellectual speculation;

- (2) the *Batiniyah*, who consider that they, as the party of 'authoritative instruction' (ta'lim), alone derive truth from the infallible imam;
- (3) the *Philosophers*, who regard themselves as the exponents of logic and demonstration;
- (4) the *Sufi or Mystics*, who claim that they alone enter into the 'presence' (sc. of Allah), and possess vision and intuitive understanding.

I said within myself: 'The truth cannot lie outside these four classes. These are the people who tread the paths of the quest for truth. If the truth is not with them, no point remains in trying to apprehend the truth. There is certainly no point in trying to return to the level of naive and derivative belief (*taqlid*) once it has been left, since a condition of being at such a level is that one does not know one is there; when a man comes to know, the glass of his naive beliefs is broken. This is a breakage which cannot be mended, a breakage not to be repaired by patching or by assembling of fragments. The glass must be melted once again in the furnace for a new start, and out of it another fresh vessel formed'.

I now hastened to follow out these four ways and investigate what these groups had achieved, commencing with the science of theology and then taking the way of philosophy, the 'authoritative instruction' of the *Batiniyah*, and the way of mysticism, in that order.

1. The Science of Theology: its Aims and Achievements.

I started then, with the science of Theology (*'ilm al-kalam*), and obtained a thorough grasp of it. I read the books sound theologians and I myself wrote some books on the subject. But I found it was a science which, though achieving its own aim, did not achieve mine. Its aim was merely to preserve the traditions and defend them against the deviations of heretics.

Allah sent to His servants, by the mouth of His messenger, in the Koran and Prophetic Sayings, a religion which is the truth and whose contents are the basis of man's welfare in both religious and secular affairs. But satan too sent, in the suggestions of heretics, things contrary to traditions; men tended to accept his suggestions and almost corrupted the true religion for its adherents. So Allah brought into being the class of theologians, and moved them to support traditional traditions with the weapon of systematic proofs, laying bare the confused doctrines invented by the heretics deviating from traditions. This is the origin of theology and theologians.

In due course, a group of theologians performed the task to which Allah invited them; they successfully preserved traditions, defended the religion received from the Prophetic source and destroyed heretical innovations. Nevertheless in doing so, they based their proofs on what they took from their opponents, which they were compelled to admit by naive belief (*taqlid*), or the consensus of the community, or bare acceptance of the Koran and Prophetic Sayings. For the

most part they were devoted to making the contradictions of their opponents clear and criticizing them in respect to the logical consequences of what they said.

This was of little use for someone who acknowledges nothing except the logically obvious. Theology was not adequate to my case and was unable to cure my malady. Though, when theology appeared as a recognized discipline and efforts had been spent over time, the theologians became very deep in their defense of traditions by studying what things are and embarked on a study of things and events and their nature and properties. But, since that was not the aim of their science, they did not deal with the question thoroughly in their thinking and consequently did not arrive at results sufficient to rid the universal darkness of confusion arising from the different views of men. It is possible that for others than myself, these results are sufficient; indeed, I have no doubt that this has been enough for many. But these results are mingled with naive belief in some matters which are not included among true values.

My purpose here though, is to describe my own case, not to disparage those who sought a remedy by talim, for cures vary with diseases. How often is one man's medicine another's poison!

2. Philosophy.

After I had done away with theology, I started on philosophy. I was convinced that a man cannot grasp what is defective in any science unless he has such a complete grasp of that science that he equals its most learned promoter in the appreciation of its fundamental principles, and then goes beyond to surpass them, by probing into the tangles and profundities which the very professors of the science have neglected. Then and only then, is it possible that what he has to say about its defects is true.

So far as I could see none of the scholars of Islam had devoted thought and attention to philosophy. None of the theologians engaged in discussion with the philosophers, apart from obscure and scattered utterances so plainly erroneous and inconsistent that no person of ordinary intelligence would be deceived, much less one versed in the sciences.

I realized that to refute a system before understanding it and becoming acquainted with its depths is to act blindly. I therefore set out in all seriousness, to acquire a knowledge of philosophy from books and by private study without the help of an instructor. I made progress towards this aim during my hours of free time after teaching the religious sciences and writing, for at this period I was burdened with the teaching and instruction of three hundred students in Baghdad. By my solitary reading Allah brought me in less than two years to a complete understanding of the sciences of the philosophers. Thereafter I continued to constantly reflect for nearly a year on what I had come to understand, going over it in my mind again and again and probing its jumbled depths, until I comprehended surely and certainly how far it was deceitful and

confusing and how far true and representing reality.

Here is an account of this discipline and the achievement of its sciences. There are various schools of philosophers, and their approaches are divided into various branches; but throughout their numerous schools they suffer from the defect of being infidels and irreligious men, even though some are much closer to the truth than others.

A. The schools of philosophers, and how the defect of unbelief affects them all.

The many philosophical sects and systems constitute three main groups: the Materialists (*Dahriyun*), the Naturalists (*Tabi`iyun*), and the Theists (*Ilahyun*).

The first group, the *Materialists*, are among the earliest philosophers. They deny the Creator and Disposer of the world, Omniscient and Omnipotent, and consider that the world has forever existed just as it is, of itself and without a creator, and that animals come from seed and seed from animals; this is the way it is and will forever be. These are the Zanadigah or irreligious people.

The second group, the *Naturalists*, are a body of philosophers who research the world of nature and the marvels of animals and plants and have spent great efforts in dissecting the organs of animals. They see there enough of the wonders of Allah's creation and the inventions of His Wisdom to compel them to acknowledge a wise Creator Who is aware of the aims and purposes of things. No one can make a careful study of anatomy and the wonderful uses of the members and organs without realizing the obvious knowledge that there is a perfection and order in the animal frame and especially that of man.

Yet these philosophers take the view that the makeup has great influence in constituting the powers of animals. They hold that even the intellectual power in man is dependent on that makeup, so that as the makeup is corrupted, intellect also is corrupted and ceases to exist. Then when a thing ceases to exist, it is unthinkable in their opinion that the non-existent should return to existence. So they think that the soul dies and does not return to life, and they deny the future life of heaven, hell, resurrection, and judgment; they think that there is no reward for obedience or punishment for sin. With this limit removed, they give way to a bestial indulgence of their appetites.

They are also irreligious for the basis of faith is faith in Allah and in the Last Day, and they, though believing in Allah and His attributes, deny the Last Day.

The third group, the *Theists*, are the more modern philosophers and include Socrates, his pupil Plato, and the latter's pupil Aristotle. It was Aristotle who systematized logic for them and organized the sciences, securing a higher degree of accuracy and bringing them to maturity.

The Theists in general attacked the two previous groups, the Materialists and the Naturalists, and exposed their defects so effectively that others were relieved of the task. "And Allah relieved the believers of fighting" (Koran 33, 25) through their mutual combat. Aristotle even attacked predecessor Theistic philosophers, especially Plato and Socrates, and went so far in his criticisms that he separated

himself from them all. Yet he too retained a residue of their unbelief and heresy from which he did not manage to free himself. We must therefore call them unbelievers, both these philosophers and their followers among the Islamic philosophers, such as Ibn Sina, Al-Farabi, and others; in transmitting the philosophy of Aristotle, however none of the Islamic philosophers has accomplished anything comparable to the achievements of the two men named. The translations of others are marked by disorder and confusion, which confuse the student so much that he fails to comprehend; and if a thing is not comprehended how can it be either refuted or accepted?

All that is part of the philosophy of Aristotle and falls under three heads: (1) what must be counted as unbelief; (2) what must be counted as heresy; (3) what is not to be denied at all. Let us proceed to the details:

B. The Various Philosophical Sciences. For our present purpose the philosophical sciences are six in number: mathematics, logic, natural science, theology, politics, and ethics.

1. MATHEMATICS. This embraces arithmetic, plane geometry and solid geometry. None of its results are connected with religious matters, either to deny or to affirm them. They are matters of demonstration which it is impossible to deny once they have been understood and comprehended. Nevertheless, there are two drawbacks which arise from mathematics.

(a) The first is that every student of mathematics admires its precision and the clarity of its demonstrations. This leads him to believe in the philosophers and to think that all their sciences resemble this one in clarity and demonstrative cogency. Further, he has already heard the accounts on everyone's lips of their unbelief, their denial of Allah's attributes, and their contempt for revealed truth; he becomes an unbeliever merely by accepting them as authorities (*bi'l-taqlid al-mahd*), and says to himself, 'If religion were true, it would not have escaped the notice of these men since they are so precise in this science'. Thus, after becoming acquainted by hearsay with their unbelief and denial of religion, he draws the conclusion that the truth is the denial and rejection of religion. How many have I seen who err from the truth because of this high opinion of the philosophers and without any other basis!

Against them one may argue: 'The man who excels in one art does not necessarily excel in every art. It is not necessary that the man who excels in law and theology should excel in medicine, nor that the man who is ignorant of intellectual speculations should be ignorant of grammar. Rather, every art has people who have obtained excellence and preeminence in it, even though stupidity and ignorance may characterize them in other arts. The arguments in elementary matters of mathematics are demonstrative whereas those in theology (or metaphysics) are based on conjecture. This point is clear to those who have studied the matter deeply for themselves'.

If such a person is fixed in this belief which he has chosen out of respect for authority (*taqlid*), he is not moved by this argument but is carried by strength of passion, love of vanity and the desire to be thought clever to persist in his good

opinion of the philosophers with regard to all the sciences.

This is a great drawback, and because of it those who devote themselves eagerly to the mathematical sciences ought to be restrained. Even if their subject-matter is not relevant to religion, yet, since they belong to the foundations of the philosophical sciences, the student is infected with the evil and corruption of the philosophers. Few devote themselves to this study without being stripped of religion and having the bridle of godly fear removed from their heads.

(b) The second drawback arises from the man who is loyal to Islam but ignorant. He thinks that religion must be defended by rejecting every science connected with the philosophers, and so rejects all their sciences and accuses them of ignorance therein. He even rejects their theory of the eclipse of sun and moon, considering that what they say is contrary to revelation. When that view is thus attacked, someone hears who has knowledge of such matters by demonstration. He does not doubt his demonstration, but, believing that Islam is based on ignorance and the denial of apodictic proof, grows in love for philosophy and hatred for Islam.

A grievous crime indeed against religion has been committed by the man who imagines that Islam is defended by the denial of the mathematical sciences, seeing that there is nothing in revealed truth opposed to these sciences by way of either negation or affirmation, and nothing in these sciences opposed to the truths of religion. Muhammad, peace be upon him said, 'The sun and the moon are two of the signs of Allah; they are not eclipsed for anyone's death nor for his life; if you see such an event, take refuge in thikr Allah (most high) and in prayer'. There is nothing here obliging us to deny the science of arithmetic which informs us specifically of the orbits of sun and moon, and their conjunction and opposition. (The further saying of Muhammad, peace be upon him, 'When Allah manifests Himself to a thing, it submits to Him', is an addition which does not occur at all in the collections of sound Prophetic Sayings.)

This is the character of mathematics and its drawbacks.

2. LOGIC. Nothing in logic is relevant to religion by way of denial or affirmation. Logic is the study of the methods of demonstration and of forming syllogisms, of the conditions for the premises of proofs, of the manner of combining the premises, of the conditions for sound definition and the manner of ordering it. Knowledge comprises (a) the concept (*tasawwur*), which is apprehended by definition, and (b) the assertion or judgment (*tasdiq*), which is apprehended by proof. There is nothing here which requires to be denied. Matters of this kind are actually mentioned by the theologians and speculative thinkers in connection with the topic of demonstrations. The philosophers differ from these only in the expressions and technical terms they employ and in their greater elaboration of the explanations and classifications. An example of this is their proposition, 'If it is true that all A is B, then it follows that some B is A', that is, 'If it is true that all men are animals, then it follows that some animals are men'. They express this by saying that 'the universal *affirmative* proposition has as its converse a particular affirmative proposition'. What connection has this with the essentials of

religion, that it should be denied or rejected? If such a denial is made, the only effect upon the logicians is to impair their belief in the intelligence of the man who made the denial and, what is worse, in his religion, inasmuch as he considers that it rests on such denials.

Moreover, there is a type of mistake into which students of logic are liable to fall. They draw up a list of the conditions to be fulfilled by demonstration, which are known without fail to produce certainty. When, however, they come at length to treat 'of religious questions, not merely are they unable to satisfy these conditions, but they admit an extreme degree of relaxation (sc. of their standards of proof). Frequently, too, the student who admires logic and sees its clarity, imagines that the infidel doctrines attributed to the philosophers are supported by similar demonstrations, and hastens into unbelief before reaching the theological (or metaphysical) sciences. Thus this drawback too leads to unbelief.

3. NATURAL SCIENCE OR PHYSICS. This is the investigation of the sphere of the heavens together with the heavenly bodies, and of what is beneath the heavens, both simple bodies like water, air, earth, fire, and composite bodies like animals, plants and minerals, and also of the causes of their changes, transformations and combinations. This is similar to the investigation by medicine of the human body with its principal and subordinate organs, and of the causes of the changes of temperament. Just as it is not a condition of religion to reject medical science, so likewise the rejection of natural science is not one of its conditions, except with regard to particular points which I enumerate in my book, *The Incoherence of the Philosophers*. Any other points on which a different view has to be taken from the philosophers are shown by reflection to be implied in those mentioned. The basis of all these objections is the recognition that nature is in subjection to Allah most high, not acting of itself but serving as an instrument in the hands of its Creator. Sun and moon, stars and elements, are in subjection to His command. There is none of them whose activity is produced by or proceeds from its own essence.

4. THEOLOGY OR METAPHYSICS. Here occur most of the errors of the philosophers. They are unable to satisfy the conditions of proof they lay down in logic, and consequently differ much from one another here. The views of Aristotle, as expounded by al-Farabi and Ibn Sina, are close to those of the Islamic writers. All their errors are comprised under twenty heads, on three of which they must be reckoned infidels and on seventeen heretics. It was to show the falsity of their views on these twenty points that I composed *The Incoherence of the Philosophers*. The three points in which they differ from all the Muslims are as follows:

(a) They say that for bodies there is no resurrection; it is bare spirits which are rewarded or punished; and the rewards and punishments are spiritual, not bodily. They certainly speak truth in affirming the spiritual ones, since these do exist as well; but they speak falsely in denying the bodily ones and in their pronouncements disbelieve the Divine law.

(b) They say that Allah knows universals but not particulars. This too is plain

unbelief. The truth is that 'there does not escape Him the weight of an atom in the heavens or in the earth' (Koran 34, 3).

(c) They say that the world is everlasting, without beginning or end. But no Muslim has adopted any such view on this question.

On the further points-their denial of the attributes of Allah, their doctrine that Allah knows by His essence and not by a knowledge which is over and above His essence, and the like-their position approximates to that of the Mu'tazilah; and the Mu'tazilah must not be accounted infidels because of such matters. In my book, *The Decisive Criterion for distinguishing Islam from Heresy*, I have presented the grounds for regarding as corrupt the opinion of those who hastily pronounce a man an infidel if he deviates from their own system of doctrine.

5. POLITICS. All their discussion of this is based on considerations of worldly and governmental advantage. These they borrow from the Divine scriptures revealed through the prophets and from the maxims handed down from the saints of old.

6. ETHICS. Their whole discussion of ethics consists in defining the characteristics and moral constitution of the soul and enumerating the various types of soul and the method of moderating and controlling them. This they borrow from the teaching of the mystics, those men of piety whose chief occupation is to meditate upon Allah, to oppose the passions, and to walk in the way leading to Allah by withdrawing from worldly pleasure. In their spiritual warfare they have learned about the virtues and vices of the soul and the defects in its actions, and what they have learned they have clearly expressed. The philosophers have taken over this teaching and mingled it with their own disquisitions, furtively using this embellishment to sell their rubbishy wares more readily. Assuredly there was in the age of the philosophers, as indeed there is in every age, a group of those godly men, of whom Allah never uncovers the world. They are the pillars of the earth, and by their blessings mercy comes down on the people of the earth, as we read in the Prophetic Statement where Muhammad, peace be upon him, says: "Through them you receive rain, through them you receive sustenance; of their number were the men of the Cave". And these, as the Koran declares, existed in early times (cp. Surah 18).

From the philosophers incorporating into their books concepts from the prophets and mystics there arise two evil tendencies, one in their supporters and one in their opponents.

(a) The evil tendency in the case of the opponent is serious. A crowd of men of slight intellect imagines that, because ethical concepts in philosophers' books are mixed with their own rubbish, all reference to them must be avoided and any person mentioning them must be a liar. They imagine this because they heard the concepts from philosophers in the first place, and their weak intellects concluded that, because their author is a falsifier, the concepts are false.

This is like a man who hears a Christian assert, "There is no god but Allah, and Jesus is the Messenger of Allah". The man rejects this, saying, "This is a Christian conception" and does not ask himself whether the Christian is an unbeliever because of this assertion or because he denies the prophethood of

Muhammad, peace be upon him. If he is an unbeliever only because he denies Muhammad, then there is no need to deny his other assertions which are not connected with his unbelief, even though these are also true in his eyes.

Weaker intellects take men as criterion for truth and not the truth as criterion of men. The intelligent man follows Ali, may Allah be pleased with him, when he said, "Do not know the truth by the men, but know the truth, and then you will know who are truthful". The intelligent man knows the truth, then examines the assertion. If it is true, he accepts it, whether the speaker is a truthful person or not. Indeed, he is often anxious to get the truth from those in error, because he knows that gold is found mixed in gravel and ore. The banker suffers no harm if he takes the counterfeiter's wallet; relying on his skill, he picks the true gold from the counterfeit. Only the common man and not the banker abstains from dealing with the counterfeiter. It is not the strong swimmer who keeps to the shore, but the clumsy guy; not the snakecharmer who is barred from touching the snake, but the ignorant boy.

The majority of men are dominated by a high opinion of their own skill and accomplishments, especially the perfection of their intellects in distinguishing true from false and guidance from misguidance. It is therefore necessary to shut the gate to keep the general public from reading books of the misguided as far as possible. The public is not free from the second bad tendency we are about to discuss, even if they are uninfected by the one just mentioned.

Some of the statements made in our published works on the principles of religious sciences have been objected to by a group of men whose understanding does not grasp the sciences and whose insight does not penetrate the fundamentals of the systems. They think that these statements are taken from ancient philosophers, but the fact is that some of them are the product of reflections I had independently (it is not improbable that one's foot might fall in another's footprint) while others come from the revealed Scriptures, and in the case of the majority, the essence though not the actual words are found in the works of the mystics.

Suppose that the statements are found only in the philosophers' books. If they are reasonable in themselves and supported by proof, and if they do not contradict the Book and the Prophetic practice (Sunna), then it is not necessary to abstain from using them. If we adopt the attitude of abstaining from every truth that the mind of a heretic has come to before us, then we would abstain from much that is true.

If so, then we should ignore a great number of Koranic verses, Prophetic Sayings, accounts of early Muslims, as well as all sayings of philosophers and mystics. The reason for that is that the author of the book of the 'Brethren of Purity' cited them in his work. He argues from them and gradually enticed men of weak understanding to accept his falsehoods; he goes on making claims until heretics remove truth from our hands by depositing it in their writings.

The lowest degree of education is to distinguish oneself from the ignorant ordinary man. The educated man does not loathe honey even if he finds it in a surgeon's cupping-glass; he realizes that the cupping-glass does not alter the honey. The natural aversion rests on popular ignorance, arising from the fact that

the cupping-glass is made for impure blood. Men imagine that the blood is impure because it is in the cupping-glass and are not aware that impurity is due to a property of blood itself. Since this property is absent from the honey, the fact that the honey is in such a container does not change its quality. To think so is fanciful and false.

Yet this is the prevalent idea among the majority of men. When someone ascribes a statement to an author they approve of, they accept it even though it is false; whenever someone ascribes it to an author they disapprove of, they reject it even though it is true. They always make the man the criterion of truth and not truth the criterion of the man; and that is erroneous in the extreme.

This shows the incorrect tendency to simply reject the ethics of philosophers.

(b) There is also an incorrect tendency in accepting them. When a man looks into their books, such as the 'Brethren of Purity' and others, and sees how they mingle their teaching with maxims of the prophets and utterances of mystics, he often approves of these and accepts them, forming a high opinion of them. Next, however, he readily accepts the falsehood they mix with that, because of the good opinion resulting from what he noticed and approved. That is a way of gradually slipping into falsehood.

Because of this tendency, it is necessary to abstain from reading their books on account of the deception and danger in them. Just as the poor swimmer must be kept from slippery banks, so must mankind be kept from reading these books; just as the boy must be kept from touching the snake, so must the ears be kept from receiving such utterances. Indeed, the snake-charmer must refrain from touching the snake in front of his small boy, because he knows that the boy imagines he is like his father and will imitate him, he must even caution the boy by himself showing caution in front of him, so the scholar must act in similar fashion. And just as the good snake-charmer on receiving a snake distinguishes between the antidote and the poison, extracts the antidote while destroying the poison, and would not withhold the antidote from any in need; and just as the acute and experienced banker, after putting his hand into the bag of the counterfeiter and extracting from it the pure gold and throwing away the counterfeit coins would not withhold the good and acceptable money from one in need; even so does the scholar act.

Again, when a man is bitten by a snake and needs the antidote, he turns from it because he learns that it is extracted from the snake, the source of the poison, and he requires to be shown the value of the antidote despite its source. Likewise, a poor man in need of money, who shrinks from receiving the gold taken out of the bag of the counterfeiter, ought to have it brought to his notice that his shrinking is pure ignorance and is the cause of his missing the benefit he seeks; he ought to be informed that the closeness of the counterfeit to the good coin does not make the good coin counterfeit or the counterfeit good. In the same way the proximity between truth and falsehood does not make truth falsehood nor falsehood truth.

This is what we wanted to say about the baneful and mischievous influence of philosophy.

3. *The Danger of 'Authoritative Instruction'.*

By the time I had done away with the science of philosophy, understanding it and marking what was false in it, I realized that this too did not satisfy my aim in full and that the intellect neither comprehends all it attempts to know nor solves all its problems. The heresy of the Ta'limiyah had already appeared and everyone was speaking about their talk of gaining knowledge of the meaning of things from an infallible Imam who has charge of the truth. It had already occurred to me to study their views and become acquainted with what is in their books, when I received a definite command from His Majesty the Caliph to write a book exposing their religious system. The fact that I could not excuse myself from doing this was an external motive reinforcing my original impulse. I began to search for their books and collect their doctrines. There had already come to my ears some of their innovated utterances, the product of the thoughts of contemporary members of the sect, which differed from the familiar formulations of their predecessors.

I made a collection of these utterances, arranged them in logical order and formulated them correctly. I also gave a complete answer to them. Consequently, some of the orthodox (*Ahl al-Haqq*) criticized me for my painstaking restatement of their arguments. "You are doing their work for them", they said, "for they would not uphold their system in with these dubious and ambiguous utterances had you not restated them and put them in order".

In a way this criticism is justified. Ahmad Ibn Hanbal once criticized al-Harith al-Muhasibi, may Allah have mercy on them, for his book, *The Refutation of the Mu'tazilah*. "It is a duty to refute heresy", al-Harith replied. "Certainly", said Ahmad, "but first you give an account of their false doctrines and afterwards a refutation of them. How can you be sure what men will do? A man might read the false doctrines and grasp them with his understanding without afterwards reading the refutation; or he might peruse the refutation without understanding its full import".

Ahmad's observation is justified, but it applies to false doctrines that are not widely and generally known. Where such doctrine is widely known, it ought to be refuted, and refutation necessitates a statement of the original doctrine. Certainly, no one should undertake to elaborate on behalf of a false doctrine where its author does not elaborate. I personally did not do that. I had already heard the false doctrine from someone who frequented my company after contacting them and adopting their faith. He related how they used to laugh at the works composed to refute their views, since the authors had not comprehended their proof; he mentioned that proof and gave a summary of it. As I could not be satisfied with the possibility of neglecting the essential basis of their proof, or of having heard it and failed to understand it, I repeated it in my book. My aim was to repeat their false doctrine as far as possible, and then to bring out its weak points.

The result was that there was nothing done on the part of the opponents and no force in their argument. Had it not been for the mistaken help given by honest but ignorant men, the heresy would have been too weak to reach its present degree of success. Violent fanaticism provoked the supporters of the truth to

prolong the debate about the premise of their argument and to deny all they assert. In particular they denied both their claim that “there is need of ‘authoritative instruction’ (*ta’lim*) and an instructor (*mu’allim*)”, and their claim that “not every instructor is adequate, there must be an infallible instructor”.

Their demonstration of the need for instruction and an instructor was clearly sound, while the retort of the critics was weak. A number of people were thus deceived into thinking that this was due to the strength of the system of the Ta’limiyah and to the weakness of that of their opponents. They did not realize that this state of affairs was due to the weakness of the defender of the truth and his ignorance of the proper method in dealing with the issue.

The correct procedure is in fact to acknowledge the need for an instructor and the necessity of his being infallible. But our infallible instructor is Muhammad, peace be upon him. They may say, “He is dead”; but we reply, “Your instructor is hidden (*gha’ib*)”. They may say, “Our instructor instructed the preachers and spread them widely through the land, and if they differ or are puzzled by a difficulty, he expects them to return to him”; but we reply, “Our instructor instructed the preachers and spread them widely through the land and perfected the instruction, according to the word of Allah most high, ‘Today I have perfected *your* religion for you’ (Koran 5, 5); when the instruction has been made perfect, the death of the instructor does no harm, any more than does his being hidden”.

There remains their argument: “How do you judge a point of law on which there has been no explicit ruling? Is it by the letter of the law (*nass*)? But you have not heard it. Is it by your independent interpretation (*Ijtihad*) and opinion (*ra’y*)? That is precisely the place where differences occur”.

To this we reply: “We do what Mu’ath did when the Messenger of Allah, peace be upon him, sent him to the Yemen; we judge by the actual text where there is a text, and by our independent reasoning where there is no text.¹ That is exactly what their preachers do when they are away from the Imam at the remotest corners of the land. They cannot in all cases judge by the text, for the texts which are finite in number cannot deal with all the infinite variety of events; nor is it possible for them to return to the city of the Imam over every difficult case-while the preacher is traveling there and back the person concerned may have died, and the journey will have been fruitless. For instance, if a man is in doubt about the *qiblah*,² the only course open to him is to pray according to his independent judgment. If he were to go to the city of the Imam to obtain a knowledge of the *qiblah*, the time of prayer would be past. As a matter of fact, prayer fulfils the law even when directed to what is wrongly supposed to be the *qiblah*. There is also the saying that the man who is mistaken in independent judgment receives a reward, but the man who is correct a twofold reward; and that is the case in all questions left to independent judgment.

¹[3] Al-Ghazali refers to a well-known story about Mu’adh b. Jabal. Muhammad, on appointing him as judge in the Yemen, questioned him about the principles on which he would base his rulings; he replied that he would base them firstly on the text of the Koran, then, if no text was applicable, on the Prophetic practice of the Prophet, then if neither was available, on the independent exercise of his judgment.

²[4] The direction in which Mecca lies, in which a Muslim must face in saying his prayers.

Another example of the same is in giving alms to the poor. A man by his independent judgment will often suppose the recipient poor although he is really rich and hides his wealth. The alms giver is not punished for this, though he was mistaken; he is liable to punishment only for the motive leading him to make to give alms”.

It may be said to us: “The deduction of a man’s opponent is as good as his own”. We reply: “A man is commanded to follow his own opinion; just as in the case of the *qiblah*, the man exercising independent judgment follows his own opinion even if others differ from him”.

Again it may be said: “The man who accepts authority in all legal matters (*muqallid*) follows either Abu Hanifah or al-Shafi’, may Allah have mercy on them or someone else and so you admit the principle of ‘authoritative instruction’”. I reply: “What does such a man do in the question of the *qiblah* where there is doubt and the independently judging authorities differ?” My opponent will say: “The man must use his own judgment to decide which is the soundest authority and the most learned in the proofs of the *qiblah*, and then he follows his own decision”. Exactly the same happens in deciding between religious systems and so the principle of “authoritative instruction” is inadequate.

Prophets and religious leaders of necessity made mankind have recourse to independent judgment, even though they knew they might fall into error. Indeed the Messenger of Allah, peace be upon him said, “I judge by externals, but Allah administers the inmost hearts”; that is to say, “I judge by the more probable opinion, based on the account of the witnesses, but the witnesses may be mistaken”. The prophets had no way to prevent error in the case of such matters of independent judgment. So how can we hope to attain that?

There are two questions which the Ta’limiyah raise at this point. One is this argument of theirs: “Even if this is the case in matters of independent judgment, it is not the case with regard to fundamental beliefs. Any mistake there is not to be excused. How then is a man to proceed?” I reply: “The fundamental beliefs are contained in the Book and the Prophetic practice; in questions of detail and other disputed matters outside these fundamentals the truth is known by weighing them in “the just balance”, that is, the standards set forth by Allah most high in His Book; and they are five in number as I show in *The Just Balance*.

It may be said to me: “Your adversaries do not agree with you about the standard.” I reply: “It is not to be imagined that anyone who understands that standard should be in disagreement about it. The Ta’limiyah will not disagree about it, because I have inferred it from the Koran and learned it there; the logicians will not disagree about it because it is in accordance, not in disagreement, with the conditions they lay down in logic; the theologians will not disagree about it because it is in accordance with their views about the proof of speculative propositions and provides a criterion of the truth of theological assertions”.

My adversary may say: “If you have in your hand a standard such as this, why do you not remove the disagreement among mankind?” I reply: “If they were to give heed to me, I would remove the disagreement among them. I described the

method of removing disagreement in *The Just Balance*. Study it and you will find that it is sound and does completely remove disagreement if men pay attention to it; but they will not all pay attention to it. Still a group of men have paid attention to me and I removed the disagreement between them. Now your Imam wants to remove the disagreement between them although they do not pay attention to him. Why then has he not removed it? Why did not Ali, may Allah be pleased with him, the first of the Imams, remove it? Does the Imam claim that he is able to bring them all forcibly to pay attention? Then why has he not so far done so? To what day has he postponed it? Is not the only result of his claim that there are more disputes among mankind and more who dispute? The disagreements certainly gave grounds for fearing that evils would increase until blood was shed, towns reduced to ruins, children orphaned, communications cut, and goods plundered. What has actually happened is that throughout the world such blessings have attended your removal of disagreement so that there is now disagreement the like of which has never before been seen”.

The adversary may say: “You claim that you remove the disagreement among mankind. But the man who is in doubt about the merits of the rival systems is not going to listen to you instead of your opponents. The majority of your opponents disagree with you; and there is no vital difference between them and you.” This is their second question.

I reply: “First of all, this argument turns back against yourself. If you summon the man in doubt to accept your own views, he will say, ‘On what grounds are you to be preferred over your opponents, seeing that the majority of scholars disagree with you?’ Would that I knew what answer you will give! Will you reply by saying, ‘My Imam is established by the very words of Scripture?’ Who will believe this claim to have a scriptural basis, when he has not heard the words from the Messenger? All that he has heard is your claim, and the unanimous judgment of scholars that it is an invention and to be disbelieved.”

Let us suppose, however, that this scriptural claim is granted. Yet the man may still have doubts on the subject of prophethood; he may say, ‘Grant that your Imam adduces as proof the miracle of Jesus; that is, he says, ‘The proof of my truthfulness is that I will bring your father to life’; he actually restores him to life and says to me that he is performing what he promised.

How do I know that he is truthful? This miracle has not brought all mankind to know the truthfulness of Jesus. On the contrary, serious objections can be raised against it, which are only to be repelled by detailed rational considerations. Rational considerations, however, are not to be trusted, according to your view. Yet no one knows the argument from miracle, to truthfulness unless he knows magic and the distinction between that and miracle, and unless he knows that Allah does not lead His servants astray. The topic of Allah’s leading men astray is one where it is notoriously difficult to make a reply. How then can you rebut all these objections when there is no reason for following your Imam rather than his opponent? The matter comes back to the intellectual proofs which you deny; and your adversary adduces proofs similar to yours but clearer’ ‘.

Thus this topic turns back against themselves so decisively that, even if the older and younger members of the sect agreed to give an answer, they would be

unable to do so. The corrupt doctrine has grown quickly only because a group of inferior intellects argued against them and employed the method of 'reply' (*jawab*) instead of that of 'reversal' (*qalb*). Such a procedure prolongs the debate and neither convinces men's minds nor effectively silences the opponents.

Some may say: 'This is 'reversal'; but is there any 'reply' to that'? I answer: 'Certainly. The reply is that, if the man in doubt says, 'I am in doubt', and does not specify the topic about which he is in doubt, it may be said to him, 'You are like a sick man who says, 'I am sick', without specifying his disease, and yet asks for a remedy; he has to be told, 'There does not exist any remedy for disease in general but only for specific diseases like headache, diarrhea, and so forth' '. Similarly the man in doubt must specify what he is in doubt about. If he specifies the topic, I show him the truth about it by weighing it by the five standards which everyone who understands them acknowledges to be the true balance on which men rely whenever they weigh anything. The balance and the soundness of the weighing are understood in just the same way as the student of arithmetic understands both arithmetic and the fact that the teacher of arithmetic knows the subject and speaks truly about it'. I have explained that in *The just Balance* in the compass of twenty pages, and it may be studied there.

My object at the moment is not to show the falsity of their views, for I have already done so (1) in *Al-Mustazhiri*³, (2) in *The Demonstration of Truth*, a reply to criticisms made against me in Baghdad, (3) in *The Fundamental Difference (between Islam and Unbelief)*⁴, in twelve chapters, a reply to criticisms made against me in Hamadan, (4) in the book of the *Durj* drawn up in tabular form, which deals with the feeble criticisms of me made in Tus, and (5) in *The just Balance*⁵, which is an independent work intended to show what is the standard by which knowledge is weighed and how the man who has comprehended this has no need of an infallible Imam.

My present aim is rather to show that the Batiniyah have nothing to cure them or save them from the darkness of mere opinions. Their inability to demonstrate that a specific person is Imam is not their only weakness. We went a long way in agreeing with them; we accepted their assertion that 'instruction' is needed and an infallible 'instructor'; we conceded that he is the one they specified. Yet when we asked them what knowledge they had gained from this infallible person, and raise objections against them, they did not understand these far less answer them, and in their perplexity had recourse to the 'hidden Imam' and said one must journey to see him. The astonishing thing is that they squander their lives in searching for the 'instructor' and it boasting that they have found him, yet without learning anything at all from him. They are like a blight smeared with filth, who so wearies himself with the search for water that when he comes upon it he does not use it but remains smeared with dirt.

³[5] This book is available in Arabic as well as in an English translation by R. McCarthy on website www.ghazali.org. (ed.)

⁴[6] This book is also available on the site mentioned above. It has also been recently translation by Prof. Jackson from Oxford U. Press, Karachi 2002. (ed.) Note that books 2, 4 are works that are not available.

⁵[7] This book is also available on the site in two English translations. (ed.)

There are indeed certain of them who lay claim to have some special knowledge. But this knowledge, a., they describe it, amounts to some trifling details of the philosophy of Pythagoras. The latter was one of the earliest of the ancients and his philosophical system is the weakest of all; Aristotle not only criticized him but showed the weakness and corruption of his thought. Yet he is the person followed in the *Book of the Brethren of Purity*, which is really but the dregs of philosophy.

It is truly amazing that men should toil all their life long searching for knowledge and in the end be content with such feeble and emaciated knowledge, while imagining that they have attained the utmost aims of the sciences! These claimants to knowledge we also have examined, probing into both external and internal features of their views. All they amounted to was a deception of the ordinary man and the weak intellect by proving the need for an 'instructor'. Their further arguments to show that there is no need for instruction by theological reasoning are strong and unanswerable until one tries to help them to prove the need for an 'instructor' by saying, 'Give us some examples of his knowledge and of his "instruction".' Then the exponent is at a loss. 'Now that you have submitted this difficulty to me', he says, 'I shall search for a solution; my present object, however, is limited to what I have already said'. He knows that, if he were to attempt to proceed further, his shameful condition would be revealed and he would be unable to resolve the least of the problems -that he would be unable even to understand them, far less to answer them.

This is the real condition in which they are. As it is said, 'Try them and you will hate them'!-after we had tried them we left them also severely alone.

4. *The Ways of Mysticism.*

When I had finished with these sciences, I next turned with set purpose to the method of mysticism (or Sufism). I knew that the complete mystic 'way' includes both intellectual belief and practical activity; the latter consists in getting rid of the obstacles in the self and in stripping off its base characteristics and vicious morals, so that the heart may attain to freedom from what is not Allah and to constant recollection of Him.

The intellectual belief was easier to me than the practical activity. I began to -acquaint myself with their belief by reading their books, such as *The Food of the Hearts* by Abu Talib al-Makki (Allah have mercy upon him), the works of al-Harith al-Muhasibi, the various anecdotes about al-Junayd, ash-Shibli and Abu Yazid al-Bistami (may Allah sanctify their spirits), and other discourses of their leading men. I thus comprehended their fundamental teachings on the intellectual side, and progressed, as far as is possible through study and oral instruction, in the knowledge of mysticism. It became clear to me, however, that what is most distinctive of mysticism is something which cannot be apprehended by study, but only by immediate experience (*Thawq-literally* 'tasting'), by ecstasy and by a moral change. What a difference there is between *knowing* the definition of health and satiety, together with their causes and presuppositions, and *being* healthy and satisfied! What a difference between being acquainted with the definition of drunkenness-namely, that it designates a state arising from the

domination of the seat of the intellect by vapors arising from the stomach -and being drunk! Indeed, the drunken man while in that condition does not know the definition of drunkenness nor the scientific account of it; he has not the very least scientific knowledge of it. The sober man, on the other hand, knows the definition of drunkenness and its basis, yet he is not drunk in the very least. Again the doctor, when he is himself ill, knows the definition and causes of health and the remedies which restore it, and yet is lacking in health. Similarly there is a difference between knowing the true nature and causes and conditions of the abstinent life and actually leading such a life and forsaking the world.

I apprehended clearly that the mystics were men who had real experiences, not men of words, and that I had already progressed as far as was possible by way of intellectual apprehension. What remained for me was not to be attained by oral instruction and study but only by immediate experience and by walking in the mystic way.

Now from the sciences I had labored at and the paths I had traversed in my investigation of the revelation and rational sciences, there had come to me a sure faith in Allah most high, in prophethood, and in the Last Day. These three creedal principles were firmly rooted in my being, not through any carefully argued proofs, but by reason of various causes, coincidences and experiences which are not capable of being stated in detail.

It had already become clear to me that I had no hope of the bliss of the world to come save through an Allah-fearing life and the withdrawal of myself from vain desire. It was clear to me too that the key to all this was to sever the attachment of the heart to worldly things by leaving the mansion of deception and returning to that of eternity, and to advance towards Allah Most High with all earnestness. It was also clear that this was only to be achieved by turning away from wealth and position and fleeing from all time-consuming entanglements.

Next I considered the circumstances of my life and realized that I was caught in a veritable thicket of attachments. I also considered my activities, of which the best was my teaching and lecturing, and realized that in them I was dealing with sciences that were unimportant and contributed nothing to the attainment of eternal life.

After that I examined my motive in my work of teaching, and realized that it was not a pure desire for the things of Allah, but that the impulse moving me was the desire for an influential position and public recognition. I saw for certain that I was on the brink of a crumbling bank of sand and in imminent danger of hell-fire unless I set about to mend my ways.

I reflected on this continuously for a time, while the choice still remained open to me. One day I would form the resolution to quit Baghdad and get rid of these adverse circumstances; the next day I would abandon my resolution. I put one foot forward and drew the other back. If in the morning I had a genuine longing to seek eternal life, by the evening the attack of a whole host of desires had reduced it to impotence. Worldly desires were striving to keep me by their chains just where I was, while the voice of faith was calling, 'To the road! To the road! What is left of life is but little and the journey before you is long. All that keeps you busy, both intellectually and practically, is but hypocrisy and delusion. If you

do not prepare *now* for eternal life, when will you prepare? If you do not now sever these attachments, when will you sever them?' On hearing that, the impulse would be stirred and the resolution made to take to flight.

Soon, however, Satan would return. 'This is a passing mood', he would say; 'do not yield to it, for it will quickly disappear; if you comply with it and leave this influential position, these comfortable and dignified circumstances where you are free from troubles and disturbances, this state of safety and security where you are untouched by the contentions of your adversaries, then you will probably come to yourself again and will not find it easy to return to all this'.

For nearly six months beginning with Rajab 488 A.H. (=July 1095 A.D.), I was continuously tossed about between the attractions of worldly desires and the impulses towards eternal life. In that month the matter ceased to be one of choice and became one of compulsion. Allah caused my tongue to dry up so that I was prevented from lecturing. One particular day I would make an effort to lecture in order to gratify the hearts of my following, but my tongue would not utter a single word nor could I accomplish anything at all.

This impediment in my speech produced grief in my heart, and at the same time my power to digest and assimilate food and drink was impaired; I could hardly swallow or digest a single mouthful of food. My powers became so weakened that the doctors gave up all hope of successful treatment. 'This trouble arises from the heart', they said, 'and from there it has spread through the constitution; the only method of treatment is that the anxiety which has come over the heart should be allayed'.

Thereupon, perceiving my impotence and having altogether lost my power of choice, I sought refuge with Allah Most High as one who is driven to Him, because he is without further resources of his own. He answered me, He who 'answers him who is driven (to Him by affliction) when he calls upon Him' (Koran 7, 63). He made it easy for my heart to turn away from position and wealth, from children and friends. 'I openly professed that I had resolved to set out for Mecca, while privately I made arrangements to travel to Syria. I took this precaution in case the Caliph and all my friends should oppose my resolve to make my residence in Syria. This stratagem for my departure from Baghdad I gracefully executed, and had it in my mind never to return there. There was much talk about me among all the religious leaders of Iraq, since none of them would allow that withdrawal from such a state of life as I was in could have a religious cause, for they looked upon that as the culmination of a religious career; that was the sum of their knowledge.

Much confusion now came into people's minds as they tried to account for my conduct. Those at a distance from Iraq supposed that it was due to some apprehension I had of action by the government. On the other hand those who were close to the governing circles and had witnessed how eagerly and assiduously they sought me and how I withdrew from them and showed no great regard for what they said, would say, 'This is a supernatural affair; it must be an evil influence which has befallen the people of Islam and especially the circle of the learned.'

I left Baghdad then. I distributed what wealth I had, retaining only as much as

would suffice myself and provide sustenance for my children. This I could easily manage, as the wealth of Iraq was available for good works, since it constitutes a trust fund for the benefit of the Muslims. Nowhere in the world have I seen better financial arrangements to assist a scholar to provide for his children.

In due course I entered Damascus, and there I remained for nearly two years with no other occupation than the cultivation of retirement and solitude, together with religious and abstinent exercises, as I busied myself purifying my soul, improving my character and cleansing my heart with the constant recollection of Allah Most High, as I had learned from my study of mysticism. I used to go into retreat for a period in the mosque of Damascus, going up the minaret of the mosque for the whole day and shutting myself in so as to be alone.

At length I made my way from Damascus to the Holy House (that is, Jerusalem). There I used to enter into the precinct of the Rock every day and shut myself in.

Next, there arose in me a prompting to fulfill the duty of the Pilgrimage, gain the blessings of Mecca and Medina, and perform the visitation of the Messenger of Allah Most High, peace be upon him, after first performing the visitation of al-Khalil, the Friend of Allah, may Allah praise and give him peace.⁶ I therefore made the journey to the Hijaz. Before long however, various concerns, together with the requests of my children, drew me back to my home (country); and so I came to it again, though at one time no one had seemed less likely than myself to return to it. Here, too I sought retirement, still longing for solitude and the purification of the heart for the recollection of Allah. The events of the interval, the anxieties about my family, and the necessities of my livelihood altered the aspect of my purpose and impaired the quality of my solitude, for I experienced pure ecstasy only occasionally, although I did not cease to hope for it; obstacles would hold me back, yet I always returned to it.

I continued at this stage for the space of ten years, and during these periods of solitude there were revealed to me things innumerable and unfathomable. This much I shall say about that, in order that others may be helped: I learned with certainty that it is above all the mystics who walk on the road of Allah; their life is the best life, their method the soundest method, their character the purest character; indeed, were the intellect of the intellectuals and the learning of the learned and the scholarship of the scholars, who are versed in the profundities of revealed truth, brought together in the attempt to improve the life and character of the mystics, they would find no way of doing so; for to the mystics all movement and all rest, whether external or internal, brings illumination from the light of the lamp of prophetic revelation; and behind the light of prophetic revelation there is no other light on the face of the earth from which illumination may be received.

In general, then, how is a mystic 'way' (*tariqah*) described? The purity which is the first condition as bodily purity is the prior condition of formal Worship for

⁶[8] That is, Abraham, who is buried in the cave of Machpelah under the mosque at Hebron, which is called '*al-Khalil*' in Arabic; similarly the visitation of the Messenger is the formal visit to his tomb at Medina

Muslims is the purification of the heart completely from what is other than Allah Most High, the key to it which corresponds to the opening act of adoration in prayer,⁷ is the sinking of the heart completely in the recollection of Allah; and the end of it is complete absorption (*fana*) in Allah. At least this is its end relative to those first steps which almost come within the sphere of choice and personal responsibility; but in reality the actual mystic 'way' it is the first step, what comes before it being, as it were, the entrance for those who are journeying towards it.

With this first stage of the 'way' there begin the revelations and visions. The mystics in their waking state now behold angels and the spirits of the prophets; they hear these speaking to them and are instructed by them. Later, a higher state is reached; instead of beholding forms and figures, they come to stages in the 'way' which it is hard to describe in language; if a man attempts to express these, his words inevitably contain what is clearly erroneous.

In general what they manage to achieve is nearness to Allah; some, however, would conceive of this as 'inherence' (*hulul*), some as 'union' (*ittihad*), and some as 'connection' (*wusul*). All that is erroneous. In my book, *The Noblest Aim*, I have explained the nature of the error. Yet he who has attained the mystic 'state' need do no more than say:

Of the things I do not remember, what was, was;
Think it good; do not ask an account of it.
(Ibn al-Mu'tazz).

In general the man to whom He has granted no immediate experience at all, apprehends no more of what prophetic revelation really is than the name. The miraculous graces given to the saints are in truth the beginnings of the prophets; and that was the first 'state' of the Messenger of Allah, peace be upon him when he went out to Mount Hira', and was given up entirely to his Lord, and worshipped, so that the Bedouin said, 'Muhammad loves his Lord passionately'.

Now this is a mystical 'state' which is realized in immediate experience by those who walk in the way leading to it. Those to whom it is not granted to have immediate experience can become assured of it by trial and contact with mystics or observation of them and by hearsay, if they have sufficiently numerous opportunities of associating with mystics to understand that ecstasy with certainty by means of what accompanies the 'states'. Whoever sits in their company derives from them this faith; and none who sits in their company is pained.

Those to whom it is not even granted to have contact with mystics may know with certainty the possibility of ecstasy by the evidence of demonstration, as I have remarked in the section entitled *The Wonders of the Heart* of my *Revival of the Religious Sciences*.

Certainty reached by demonstration is *knowledge* (*'ilm*); actual acquaintance with that state' is *immediate experience* (*Thawq*); the acceptance of it as probable from hearsay and trial or observation is *faith* (*iman*). These are three

^{7[9]} Literally, the 'prohibition', *tahrim*; the opening words of the Muslim Worship, 'God is great', are known as *takbirat al-tahrim*, the prohibitory adoration, 'because it forbids to the worshipper what was previously allowable'. Cf. Calverley, *Worship in Islam*, p. 8, etc.

degrees. 'Allah will raise those of you who have faith and those who have been given knowledge in degrees of honor' (Koran 58, 12).

Behind the mystics, however, there is a crowd of ignorant people. They deny this fundamentally, they are astonished at this line of thought, they listen and mock. 'Amazing', they say. 'What nonsense they talk!' About such people Allah Most High has said: 'Some of them listen to you, until, upon going out from you, they say to those to whom knowledge has been given, 'What did he say just now'? These are the people on whose hearts Allah sets a seal and they follow their passions'. (Koran 47, 18) He makes them deaf and blinds their sight.

Among the things that necessarily became clear to me from my practice of the mystic 'way' was the true nature and special characteristics of prophetic revelation. The basis of that must undoubtedly be indicated in view of the urgent need for it.

IV. THE TRUE NATURE OF PROPHECY AND THE COMPELLING NEED OF ALL CREATION FOR IT

You must know that the substance of man in his original condition was created in bareness and simplicity without any information about the worlds of Allah Most High. These worlds are many, not to be reckoned save by Allah Most High Himself. As He said, 'None knows the hosts of thy Lord save He' (Koran 74, 34). Man's information about the world is by means of perception; and every perception of perceptible is created so that thereby man may have some acquaintance with a world sphere from among existence. By 'worlds or spheres' we simply mean 'classes of existence'.

The first thing created in man was the sense of *touch*, and by it he perceives certain classes of existents, such as heat and cold, moisture and dryness, smoothness and roughness. Touch is completely unable to apprehend colors and noises. These might be non-existent so far as concerns touch.

Next there is created in him the sense of *sight*, and by it he apprehends colors and shapes. This is the most extensive of the worlds of sensible. Next *hearing* is implanted in him, so that he hears sounds of various kinds. After that *taste* is created in him; and so on until he has completed the world of sensible.

Next, when he is about seven years old, there is created in him *discernment* or the power of distinguishing (*tamyiz*). This is a fresh stage in his development. He now apprehends more than the world of sensible; and none of these additional factors and relations exists in the world of sense.

From this he ascends to another stage, and *intellect* or reason (*'aql*) is created in him. He apprehends things necessary, possible, impossible, things which do not occur in the previous stages.

Beyond intellect there is yet another stage. In this another eye is opened, by which he beholds the unseen, what is to be in the future, and other things which are beyond the understanding of intellect in the same way as the objects of intellect are beyond the ken of the faculty of discernment and the objects of discernment are beyond the ken of sense. Moreover, just as the man at the stage of discernment would reject and disregard the objects of intellect were these to

be presented to him, so some intellectuals reject and disregard the objects of prophetic revelation. That is sheer ignorance. They have no ground for their view except that this is a stage which they have not reached and which for them does not exist; yet they suppose that it is non-existent in itself. When a man blind from birth, who has not learned about colors and shapes by listening to people's talk, is told about these things for the first time, he does not understand them nor admit their existence.

Allah Most High however, has favored His creatures by giving them something akin to the special faculty of prophecy, namely dreams. In the dream-state a man apprehends what is to be in the future, which is something of the unseen; he does so either explicitly or else clothed in a symbolic form whose interpretation is disclosed.

Suppose a man has not experienced this himself, and suppose that he is told how some people fall into a dead faint, in which hearing, sight, and the other senses no longer function, and in this condition perceive the unseen. He would deny that this is so and demonstrate its impossibility. 'The sensible powers', he would say, 'are the causes of perception or apprehension; if a man does not perceive things like the unseen when these powers are actively present, much less will he do so when the senses are not functioning'. This is a form of analogy which is shown to be false by what actually occurs and is observed. Just as intellect is one of the stages of human development in which there is an 'eye' which sees the various types of intelligible objects, which are beyond the ken of the senses, so prophecy also is the description of a stage in which there is an eye endowed with light such that in that light the unseen and other supra-intellectual objects become visible.

Doubt about prophetic revelation is either (a) doubt of its possibility in general, or (b) doubt of its actual occurrence, or (c) doubt of the attainment of it by a specific individual.

The proof of the possibility of there being prophecy and the proof that there has been prophecy is that there is knowledge in the world the attainment of which by reason is inconceivable; for example, in medical science and astronomy. Whoever researches in such matters knows of necessity that this knowledge is attained only by Divine inspiration and by assistance from Allah most high. It cannot be reached by observation. For instance there are some astronomical laws based on phenomena which occur only once in a thousand years; how can these be arrived at by personal observation? It is the same with the properties of drugs.

This argument shows that it is possible for there to be a way of apprehending these matters which are not apprehended by the intellect. This is the meaning of prophetic revelation. That is not to say that prophecy is merely an expression for such knowledge. Rather, the apprehending of this class of extra-intellectual objects is *one* of the properties of prophecy; but it has many other properties as well. The said property is but a drop in the ocean of prophecy. It has been singled out for mention because you have something analogous to it in what you apprehend in dreaming, and because you have medical and astronomical

knowledge belonging to the same class, namely, the miracles of the prophets,⁸ for the intellectuals cannot arrive at these at all by any intellectual efforts.

The other properties of prophetic revelation are apprehended only by immediate experience (*Thawq*) from the practice of the mystic way, but this property of prophecy you can understand by analogy as the dream-state. If the prophet possessed a faculty to which you had nothing comparable and which you did not understand, how could you believe in it? Believing presumes understanding. That comparable experience comes to a man in the early stages of the mystic way. Thereby he attains a kind of immediate experience, extending as far as that to which he has attained, and by analogy to a kind of belief or assent into that which he has not attained. Thus, this single property is a sufficient basis for one's faith in the principle of prophecy.

If you come to doubt whether a specific person is a prophet or not, certainty can only be reached by acquaintance with his conduct, either by personal observation, or by hearsay as a matter of common knowledge. For example, if you are familiar with medicine and law, you can recognize lawyers and doctors by observing what they are, i.e., by hearing what they have to say. Thus you are not unable to recognize that al-Shafi'i (Allah have mercy upon him) is a lawyer and Galen a doctor; and your recognition is based on the facts and not on the judgment of someone else. Indeed, just because you have some knowledge of law and medicine, and examine their books and writings, you arrive at an obvious knowledge of what these men are.

Similarly, if you understand what it is to be a prophet, and have devoted much time to the study of the Koran and the Prophetic Sayings, you will arrive at a obvious knowledge of the fact that Muhammad, may Allah venerate him and grant him peace, is in the highest grade of the prophetic calling. Convince yourself of that by trying out what he said about the influence of devotional practices on the purification of the heart, how truly he asserted that 'whoever lives out what he knows will receive from Allah what he does not know'; how truly he asserted that 'if anyone aids an evildoer, Allah will give that man power over him'; how truly he asserted that 'if a man rises up in the morning with but a single care (to please Allah), Allah most high will preserve him from all cares in this world and the next'. When you have made trial of these in a thousand or several thousand instances, you will arrive at obvious knowledge beyond all doubt.

By this method, then, seek certainty about the prophetic office, and not from the transformation of a rod into a serpent or the cleaving of the moon. For if you consider such an event by itself, without taking account of the numerous circumstances accompanying it, circumstances readily eluding the grasp of the intellect, then you might perhaps suppose that it was magic and deception and that it came from Allah to lead men astray; for 'He leads astray whom He will, and guides whom He will'. Thus the topic of miracles will be thrown back upon you; for if your faith is based on a reasoned argument involving the probative force of the miracle, then your faith is destroyed by an ordered argument showing the

^{8[10]} This is a little obscure; al-Ghazali appears to regard certain miraculous signs as belonging to the spheres of medicine and astronomy; perhaps he was thinking of this when he spoke of events occurring once

difficulty and ambiguity of the miracle.

Admit that wonders of this sort are one of the proofs and accompanying circumstances out of the totality of your thought on the matter; and that you attain obvious knowledge and yet are unable to say specifically on what it is based. The case is similar to that of a man who receives from a multitude of people a piece of information which is a matter of common belief... He is unable to say that the certainty is derived from the remark of a single specific person; rather, its source is unknown to him; it is neither from outside the whole, nor is it from specific individuals. This is strong, intellectual faith. Immediate experience, on the other hand, is like actually witnessing a thing and taking it in one's hand. It is only found in the way of mysticism.

This is a sufficient discussion of the nature of prophetic revelation for my present purpose. I proceed to speak of the need for it.

V. THE REASON FOR TEACHING AGAIN AFTER MY WITHDRAWAL FROM IT

I had persevered thus for nearly ten years in retirement and solitude. I had come because of necessity, from reasons which I do not enumerate, partly immediate experience, partly demonstrative knowledge, partly acceptance in faith, to a realization of various truths.

I saw that man was constituted of body and heart; by 'heart' I mean the real nature of his spirit which is the seat of his knowledge of Allah, and not the flesh and blood which he shares with the corpse and the brute beast. I saw that just as there is health and disease in the body, respectively causing it to prosper and to perish, so also there is in the heart, on the one hand, health and soundness, and 'only he who comes to Allah with a sound heart' (Koran 26, 89) is saved, and, on the other hand, disease, which is eternal and other worldly destruction, as Allah Most High says, 'in their hearts is disease' (Koran 2, 9). I saw that to be ignorant of Allah is destructive poison, and to disobey Him by following desire is the thing which produces the disease, while to know Allah Most High is the life-giving antidote and to obey Him by opposing desire is the healing medicine. I saw too, that the only way to treat the heart, to end its disease and procure its health, is by medicines, just as it is the only way of treating the body.

Moreover, medicines of the body are effective in producing health through some property in them which the intellectuals do not apprehend with their intellect, but in respect to which one must accept the statement of the doctors; and these in turn are dependent on the prophets who by prophethood have grasped the properties of things. Similarly I came of necessity to realize that in the case of the medicines of formal worship, which have been fixed and determined by the prophets, the manner of their effectiveness is not apprehended by the intellectual explanations of the intellectuals; one must rather accept the statements (*taqlid*) of the prophets who apprehended those properties by the light of prophecy, not by intellectual explanation.

Again, medicines are composed of ingredients differing in kind and quantity, one, for instance, is twice another in weight and amount; and this quantitative difference involves secret lore of the same type as knowledge of the properties.

Similarly, formal worship, which is the medicine for the disease of the hearts is compounded of acts differing in kind and amount; the prostration (*sujud*) is the double of the bowing (*ruku'*) in amount, and the morning worship half of the afternoon worship; and such arrangements are not without a mystery of the same type as the properties which are grasped by the light of prophecy. Indeed a man is very foolish and very ignorant if he tries to show by intellectual means that these arrangements are wise, or if he fancies that they are specified accidentally and not from a Divine mystery in them which fixes them by way of the property.

Yet again, medicines have bases, which are the principal active ingredients, and 'additions' (auxiliaries or correctives), which are complementary, each of them having its specific influence on the action of the bases. Similarly, the Voluntary practices and the 'customs' are complements which perfect the basic elements of formal worship.

In general, prophets are the physicians of the diseases of hearts. The only advantage of the intellect is that it informed us of that, bearing witness to prophetic revelation by believing the prophets and to itself by being unable to apprehend what is apprehended by the eye of prophecy; then it took us by the hand and entrusted us to prophetic revelation, as the blind ate entrusted to their guides and anxious patients to sympathetic doctors. Thus far may the intellect proceed. In what lies beyond it has no part, save in the understanding of what the physician communicates to it.

These are matters which we learned by a necessity like that of direct vision in the period of solitude and retirement.

We next observed the laxity of men's belief in the principle of prophecy and in its actuality and in conduct according to the norms elucidated by prophecy; we ascertained that this was widespread among the people. When I considered the reasons for people's laxity and weakness of faith, I found there were four:

- (a) a reason connected with those who engage in philosophy;
- (b) a reason connected with those who engage in the mystic way;
- (c) a reason connected with those who profess the doctrine of *ta'lim*;
- (d) a reason based on the practice of those who are popularly described as having knowledge.

For a time I went after individual men, questioning those who fell short in observing the Law. I would question one about his doubts and investigate his inmost beliefs. 'Why is it', I said, 'that you fall short in that? If you believe in the future life and, instead of preparing for it, sell it in order to buy this world, then that is folly! You do not normally sell two things for one; how can you give up an endless life for a limited number of days? If, on the other hand, you do not believe in it, then you are an infidel! Dispose yourself to faith. Observe what is the cause of your hidden unbelief, for that is the doctrinal system you inwardly adopt and the cause of your outward daring, even though you do not give expression to it out of respect towards the faith and reverence for the mention of the law!'

One would say: 'If it were obligatory to observe this matter, then those learned in religious questions would be foremost in doing so; but, among persons of distinction, A does not perform the Worship, B drinks wine, C devours the

property of trusts and orphans, D accepts the benevolence of the sovereign and does not refrain from forbidden things, E accepts bribes for giving judgment or bearing witness; and so on'.

A second man claims to have knowledge of mysticism and considers that he has made such progress that he is above the need for formal worship.

A third man is taken up with another of the doubts of the 'Latitudinarians' (*Ahl al-Ibahah*;⁹). These are those who stray from the path of mysticism.

A fourth man, having met the party of *ta'lim* would say: 'Truth is difficult, the way to it blocked, and the disputes over it numerous. No one system of doctrine is preferable to any other. Rational proofs contradict one another, and no confidence can be placed in the speculations of the speculative thinkers (*ashab al-ray*). He who summons to *ta'lim* makes assertions without proof. How then through doubt can I keep certainty?

(3) A fifth man says: 'I do not perform these acts out of obedience to authority (*taqlidan*). I have studied philosophy and I know that prophecy actually exists and that its achievement is wise and beneficial. I see that the acts of worship it prescribes aim at keeping order among the common people and restraining them from fighting and quarreling with one another and from giving rein to their desires. But I am not one of the ignorant common people that I should enter within the narrow confines of duty. On the contrary I am one of the wise, I follow wisdom, and thereby see clearly (for myself) so that I do not require to follow authority'.

This is the final word of the faith of those who study the system of the theistic philosophers, as you may learn from the works of Ibn Sina and Abu Nasr al-Farabi.

These are the people who show politeness to Islam. Often you see one of them reading the Koran, attending the Friday assembly and public Worship and praising the sacred Law. Nevertheless he does not refrain from drinking wine and from various wicked and immoral practices! If someone says to him, 'If the prophetic revelation is not genuine, why do you join in the prayers'? perhaps he will reply, 'To exercise my body, and because it is a custom in the place, and to keep my wealth and family'. Or perhaps he says, 'The sacred Law is genuine; the prophetic revelation is true'; then he is asked, 'And why then do you drink wine'? and he replies, 'Wine is forbidden only because it leads to enmity and hatred; I am sufficiently wise to guard against that, and so I take wine to make my mind more lively'. Ibn Sina actually writes in his *Testament* that he swore to Allah that he would do various things, and in particular that he would praise what the sacred Law prescribed, that he would not be lax in taking part in the public worship of Allah, and that he would not drink for pleasure but only as a tonic or medicine. Thus the net result of his purity of faith and observance of the obligations of worship was that he made an exception of drinking wine for medical purposes!

Such is the faith of those philosophers who profess religious adherence. Many have been deceived by them; and the deceit is even greater because of the ineffectiveness of the criticism leveled against the philosophers, since that

⁹[11] *cp. Encyclopedia of Islam, s.v. 'Ibahiya'*

consisted, as we have shown above, in denying geometry and logic and others of their sciences which possess necessary truth.

I observed, then, to what an extent and for what reasons faith was weak among the various classes of men; and I observed how I myself was occupied with resolving this doubt, indeed I had devoted so much time and energy to the study of their sciences and methods, I mean those of the mystics, the philosophers, the 'authoritarian instructionists' (*ta'limiya*), and the outstanding scholars (*mutawassimun*), that to show up their errors was easier for me than drinking water. As I observed all this, the impression was formed in me: 'That is a fixed and determinate character of this time; what benefit to you, then, are solitude and retirement, since the sickness has become general, the doctors have fallen ill, and mankind has reached the verge of destruction?' I said to myself, however: 'When will you busy yourself in resolving these difficulties and attacking these obscurities, seeing it is an age of slackness, in an era of futility? Even if you were to summon men from their worthless ways to the truth, the people of this age would be united in showing hostility against you. How will you stand up to them? How will you live among them, seeing that such a project is only to be executed with the aid of time and through a pious sovereign who is all-powerful?'

I believed that it was permissible for me in the sight of Allah to continue in retirement on the ground of my inability to demonstrate the truth by argument. But Allah Most High determined Himself to stir up the impulse of the sovereign of the time, though not by any external means; the latter gave me strict orders to hasten to Naysabur (Nishapur) to tackle the problem of this indifference in religious matters. So strict was the injunction that, had I persisted in disobeying it, I should at length have been cut off! I came to realize too, that the grounds which had made retirement permissible had lost their force. 'It is not right that your motive for clinging to retirement should be laziness and love of ease, the quest for spiritual power and preservation from worldly contamination. It was not because of the difficulty of restoring men to health that you gave yourself this permission.'

Now Allah Most High says: 'In the Name of Allah, the Merciful, the Compassionate. Alif, Lam, Mim, Do the people think that they will be left in the position that they say, 'We have believed', without their being tried? We tried those who were before them' (Koran 29, 1) and what follows. He (may He be exalted!) says to His messenger, who is the noblest of His creatures: 'Messengers have been counted false before thee, but they patiently endured the falsehood laid to their charge and the insults towards them, until Our help came to them; none can change the words of Allah, and surely there has come to thee some information about those who were sent (as messengers).' (Koran 6, 34). He (may He be exalted) says too: 'In the name of Allah, the Merciful the Compassionate. Ya', Sin, By the Koran that decides... Thou wilt only warn him who follows thy Reminder' (Koran 36, 1 and 11).

On this matter I consulted a number of men skilled in the science of the heart and with experience of contemplation. They unanimously advised me to abandon my retirement and leave the *zawiyah* (hospice). My resolution was further

strengthened by numerous visions of good men in all of which alike I was given the assurance that this impulse was a source of good and genuine guidance, and had been determined by Allah Most High for the beginning of this century; for Allah most high has promised to revive His religion at the beginning of each century.¹⁰ My hope became strong, and all these considerations caused the favorable view of the project to prevail.

Allah Most High facilitated my move to Naysabur to deal with this serious problem in Thu'l-Qa'dah, the eleventh month of 499 (=July, 1106 A.D.). I had originally left Baghdad in Thu'l-Qa'dah, 488, (= November, 1095), so that my period of retirement had extended to eleven years. It was Allah Most High who determined this move, and it is an example of the wonderful way in which He determines events, since there was not a whisper of it in my heart while I was living in retirement. In the same way my departure from Baghdad and withdrawal from my position there had not even occurred to my mind as a possibility. But Allah is the turner of hearts¹¹ and positions. As the Prophetic Saying has it, 'The heart of the believer is between two of the fingers of the Merciful'.

In myself I know that, even if I went back to the work of disseminating knowledge, yet I did not go back. To go back is to return to the previous state of things. Previously, however, I had been disseminating the knowledge by which worldly success is attained; by word and deed I had called men to it; and that had been my aim and intention. But now I am calling men to the knowledge whereby worldly success is given up and its low position in the scale of real worth is recognized. This is now my intention, my aim, my desire; Allah knows that this is so. It is my earnest longing that I may make myself and others better. I do not know whether I shall reach my goal or whether I shall be taken away while short of my object. I believe, however, both by certain faith and by intuition that there is no power and no might save with Allah, the high, the mighty, and that I do not move of myself but am moved by Him, I do not work of myself but am used by Him. I ask Him first of all to reform me and then to reform through me, to guide me and then to guide through me, to show me the truth of what is true and to grant of His bounty that I may follow it, and to show me the falsity of what is false and to grant of His bounty that I may turn away from it.

We now return to the earlier topic of the causes for the weakness of faith, and consider how to guide men aright and deliver them from the perils they face.

For those who profess perplexity as a result of what they have heard from the party of *ta'lim*, the treatment is that prescribed in our book, *The Just Balance*, and we shall not lengthen this essay by repeating it.

As for the fanciful assertions of the Latitudinarians (*Ahl al-Ibahah*), we have collected their doubts under seven heads and resolved them in our book, *The Chemistry of Happiness*.¹²

¹⁰[12] There was a well-known Prophetic Saying to the effect that at the beginning of each century God would send a man to revive religion. The event in question took place a few months before the beginning of the sixty century A.H.

¹¹[13] *Muqallib al-qulub*--with a play on the words.

¹²[14] A version of this book is available online under the title "Alchemy of Happiness" on al-ghazali.org. Note that there are many version of this book in circulation. Most likely he meant the book that was written

In reply to those who through philosophy have corrupted their faith to the extent of denying prophecy in principle, we have discussed the reality of prophecy and how it exists of necessity, by showing that there exists a knowledge of the properties of medicines, stars, and so forth. We introduced this preliminary study precisely for this purpose; we based the demonstration on medical and astronomical properties precisely because these are included in the science of the Philosophers. To every one who is expert in some branch of science, be it astronomy, medicine, physics, magic, or charm-making, we offer proof of prophecy based on his own branch of science.

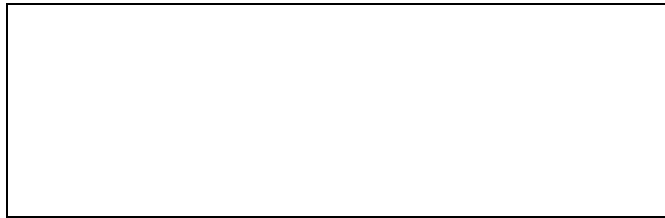
The man who verbally professes belief in prophecy, but equates the prescriptions of the revealed scriptures with philosophical wisdom, really disbelieves in prophecy and believes only in a certain philosopher whose influence draws adherents. This is not prophecy at all. On the contrary, faith in prophecy is to acknowledge the existence of a sphere beyond reason; into this sphere an eye penetrates whereby man apprehends special objects-of-apprehension. From these reason is excluded in the same way as the hearing is excluded from apprehending colors and sight from apprehending sounds and all the senses from apprehending the objects of reason.

If our opponent does not admit this, we have given a demonstration that a supra-rational sphere is possible, indeed that it actually exists. If however, he admits our disputation, he has affirmed the existence of things called properties with which the operations of reason are not concerned at all; indeed, reason almost denies them and judges them absurd. For instance, the weight of a *danig* (about eight grains) of opium is a deadly poison, freezing the blood in the veins through its excess of cold. The man who claims a knowledge of physics considers that when a composite substance becomes cold it always does so through the two elements of water and earth, since these are the cold elements. It is well-known, however, that many pounds of water and earth are not productive of cold in the interior of the body to the same extent as this weight of opium. If a physicist were informed of this fact, and had not discovered it by experiment, he would say, 'This is impossible; the proof of its impossibility is that the opium contains the elements of fire and air, and these elements do not increase cold; even supposing it was entirely composed of water and earth, that would not necessitate this extreme freezing action, much less does it do so when the two hot elements are joined with them.' He supposes that this is a proof!

Most of the philosophers' proofs in natural science and theology are constructed in this fashion. They conceive of things according to the measure of their observations and reasoning. What they are unfamiliar with they suppose impossible. If it were not that veridical vision in sleep is familiar, when someone claimed to gain knowledge of the unseen while his senses were at rest, men with such intellects would deny it. If you said to one, 'Is it possible for there to be in the world a thing, the size of a grain, which if placed in a town, will consume that town in its entirety and then consume itself, so that nothing is left of the town and what it contained nor of the thing itself?'; he would say, 'This is absurd; it is an old wives' tale'. Yet this is the case with fire, although, when he heard it, someone

in Persian which is similar to his Arabic work the *'Ihya*. (ed.)

who had no acquaintance with fire would reject it. The rejection of the strange features of the world to come usually belongs to this class. To the physicist we reply: 'You are compelled to admit that in opium there is a property which leads to freezing, although this is not consonant with nature as rationally conceived; why then is it not possible that there should be in the positive precepts of the Divine law properties leading to the healing and purifying of hearts, which are not apprehended by intellectual wisdom but are perceived only by the eye of prophecy'? Indeed in various pronouncements in their writings they have actually recognized properties more surprising than these, such as the wonderful properties observed when the following figure was employed in treating cases of childbirth where delivery was difficult:



The figure is inscribed on two pieces of cloth untouched by water. The woman looks at them with her eye and places them under her feet, and at once the child quickly emerges. The physicists acknowledge the possibility of that, and describe it in the book entitled *The Marvels of Properties*.

The figure consists of nine squares with a number in each, such that the sum of each row or line, vertically, horizontally, and diagonally, is fifteen.

How on earth is it possible for anyone to believe that, and then not to have sufficient breadth of mind to believe that the arrangement of the formal prayers, *two rak'ahs* in the morning, four at midday and three at sunset-is so made on account of properties not apprehended by philosophical reflection? The grounds of these arrangements are the difference of the times of day, but these properties are perceived only by the Light of prophecy.

It is curious, however, that if we replace the above expressions by expressions from astrology, they admit the difference of times as reasonable. We may say, for example: 'Is it not the case that the horoscope varies according as the sun is in the ascendant, in the ecliptic or in declension? And in their horoscopes do they make this variation the basis of the difference of treatment and of length of life and hour of death? Is there not a distinction between declension and the sun's being in the ecliptic, and likewise between sunset and the sun's being towards setting? Is there any way to believe this?' If it were not that he hears it in astrological terminology, he would probably have experimentally observed its falsity a hundred times. Yet he goes on habitually believing in it, so that if an astrologer says to him, 'If the sun is in the ecliptic, and star A confronts, while the ascendant is constellation B, then, should you put on a new garment at that time, you will be killed in that garment'; he will not put on the garment at that time, even though he may suffer from extreme cold and even though he hears this

from an astrologer whose falsity he has acknowledged a hundred times.

How on earth when a man's mind is capable of accepting such strange statements and is compelled to acknowledge that these are properties, the knowledge of which is a miracle for some of the prophets how does he come to reject a similar fact in respect of what he hears of the teaching of a prophet, especially when that prophet speaks truth, is accredited by miracles, and is never known to have been in error?

If the philosopher denies the possibility of there being such properties in the number of *rak'ahs*, the casting of stones (in the valley of Mina during the Pilgrimage), the number of the elements of the Pilgrimage and the other ceremonies of worship of the sacred law, he will not find, in principle, any difference between these and the properties of drugs and stars. He may say, 'I have some experience in medical and astronomical (or astrological) matters, and have found some points in the science true; as a result belief in it has become firmly settled in me and my heart has lost all inclination to shun it and look askance at it; prophecy however, I have no experience of; how shall I know that it actually exists, even if I admit its possibility'?

I reply: 'You do not confine yourself to believing what you have experience of, but, where you have received information about the experience of others, You accept them as authorities. Listen then to the words of the prophets, for they have had experience, they have had direct vision of the truth in respect of all that is dealt with in revelation. Walk in their way and you too will come to know something of that by direct vision'.

Moreover I say: 'Even if you have not experienced it, yet your mind judges it an absolute obligation to believe in it and follow it. Let us suppose that a man of full age and sound mind, who has never experienced illness, now falls ill; and let us suppose that he has a father who is a good man and a competent physician, of whose reputation in medicine he has been hearing as long as he can remember. His father compounds a drug for him, saying, 'This will make you better from your illness and cure your symptoms' What judgment does his intellect make here, even if the drug is bitter and disagreeable to the taste? Does he take it? Or does he disbelieve and say, 'I do not understand the connection of this drug with the achieving of a cure; I have had no experience of it'. You would certainly think him a fool if he did that! Similarly people of vision think you a fool when you hesitate and remain undecided'.

You may say: 'How am I to know the good will of the Prophet, peace be upon him and his knowledge of this medical art'? I reply: 'How do you know the good will of your father, seeing this is not something perceived by the senses? The fact is that you have come to know it necessarily and indubitably by comparing his attitude at different times and observing his actions in various circumstances'.

If one considers the sayings of the Messenger of Allah, peace be upon him and what is related in Prophetic Sayings about his concern for showing people the true way and about his graciousness in leading men by various acts of sympathy and kindness to improve their character and conduct and to better their mutual relations leading them to the indispensable basis of all betterment, religious and secular alike, if one considers this, one comes to the obvious knowledge that his good will towards his people is greater than that of a father towards his child.

Again, if one considers the marvelous acts manifested in his case and the wonderful mysteries declared by his mouth in the Koran and in the Prophetic Sayings, and his predictions of events in the distant future, together with the fulfillment of these predictions, then one will know necessarily that he attained to the sphere which is beyond reason, where an eye opened in him by which the mysteries were laid bare which only the elect apprehend, the mysteries which are not apprehended by the intellect.

This is the method of reaching obvious knowledge that the Prophet, peace be upon him is to be believed. Make the experiment, reflect on the Koran, read the Prophetic Sayings; then you will know that by seeing for yourself.

We have now dealt with the students of philosophy in sufficient detail, discussing the question at some length in view of the great need for such criticism at the present time.

As for the fourth cause of weakness of faith, namely, the evil lives of the religious leaders (*'ulama'*, singular *'alim*) this disease is cured by three things.

(a) The first is that you should say to yourself that the *'alim* whom you consider to eat what is prohibited has a knowledge that wine and pork and usury are prohibited and also that lying and backbiting and slander are prohibited. You yourself also know that and yet you do these latter things, not because you do not believe they are sins, but because your desire overcomes you. Now the other man's desire is like your desire; it has overcome him, just as yours has overcome you. His knowledge of other matters beyond this (such as theological arguments and the application of legal principles) distinguishes him from you but does not imply any greater abstinence from specific forbidden things. Many a believer in medical science does not hold back from fruit and from cold water even though the doctor has told him to abstain from them! That does not show that they are not harmful, or that his faith in medicine is not genuine. Such a line of thought helps one to put up with the faults of the *'ulama'*.

(b) The second thing is to say to the ordinary man: 'You must believe that the *'alim* has regarded his knowledge as a treasure laid up for himself in the future life, imagining that it will deliver him and make intercession for him, so that consequently he is somewhat remiss in his conduct in view of the excellence of his knowledge. Now although that might be an additional point against him, yet it

may also be an additional degree of honor for him, and it is certainly possible that, even if he leaves duties undone, he will be brought to safety by his knowledge. But if you, who are an ordinary man, observing him, leave duty undone, then, Since you are destitute of knowledge, you will perish through your evil conduct and will have no intercessor!

(c) The third point is the fact that the genuine *`alim* does not commit a sin except by a slip, and the sins are not part of his intention at all. Genuine knowledge is that which informs us that sin is a deadly poison and that the world to come is better than this; and the man who knows that does not give up the good for what is Lower than it.

This knowledge is not attained by means of the various special branches of knowledge to which most people devote their attention. As a result, most people's knowledge only makes them bolder in disobeying Allah most high. Genuine knowledge, however, increases a man's reverence and fear and hope; and these come between him and sins (in the strict sense) as distinct from the unintentional faults which are inseparable from man in his times of weakness. This proneness to lesser sins does not argue any weakness of faith, however. The believer, when he goes astray, repents. He is far from sinning intentionally and deliberately.

In conclusion: These are the points I wanted to discuss in criticism of the faults of the philosophers and the party of *ta`lim* and the faults of those who oppose them without using their methods.

We pray Allah Almighty that He will number us among those whom He has chosen and elected, whom He has led to the truth and guided, whom He has inspired to recollect Him and not to forget Him, whom He has preserved from the evil in themselves so that they do not prefer ought to Him, and whom He has made His own so that they serve only Him.

@*BOOK 27: "MyPath" of Prophet Muhammad

Love Jesus, Muhammad and Moses

- www.JesusMuhammad.com 

"Allah" *in Semitic* is God, in the Gospel, Koran and Torah
Submission to Allah, "Islam" *is Semitic* for the one religion brought by all
Prophets

"Say [to them, Oh Muhammad]: This is My Path, I invite to Allah, and so do those
who follow me with [spiritually guided] insight." *Koran [12.108]*

Everything seems to be turned upside down these days. Crazy things are happening all over the world, we are fed with partial information, misinformation and so on. Many of us find ourselves in a state of complex ignorance - that is, we are ignorant that we are ignorant. We do not know the whole truth, through no fault of our own, and form our opinions accordingly.

This brief booklet presents Islam in its true form and we stress: *it is not the fanatical Saudi Wahabi (Kharijies) cult, responsible since its inception for terrorism and the murder of many innocent believers in Mecca, Medina, and New York*. Their actions are totally against the principals of Islam and Islam rejects and condemns them. Islam is the religion of peace, brotherhood, and tolerant co-existence among all mankind since Adam, not just amongst its followers.

The foremost principal of Islam is the belief in the Oneness of God, the Creator of all, who has no partners. It is He who sent the Prophets to whom he gave His guidance, and the last prophet, Prophet Muhammad who was sent for all mankind rather than individual nations as was the case of previous prophets. Praise and peace be upon all the prophets of God!

Many people have the inherent desire for guidance. However, in this complicated, fast moving technological society the pace of life is so consuming that one is soon distracted from his/her search. New religions are born almost every day only to fade into oblivion soon after.

Many of us try to do good, but how many times has it turned out to be the opposite? We have all heard the phrase, “the road to hell is paved with good intentions.” So what are we to do? Without correct guidance we are going to keep falling into the same errors time and time again.

Islam addresses each and every aspect of our life from conception to death. It is a complete religion, both spiritually and materialistically that shows us the right path to take. Allah, the Semitic Arabic pronoun for God, confirms this in the opening verses of His Holy Book, the Koran: “That is the (Holy) Book, where there is no doubt. It is guidance for the cautious.”

There is no doubt that the Arabic Koran recited today is the same as it was when it was first revealed to Prophet Muhammad. This is because Allah in His Mercy promises in the Koran to protect this, His Final Revealed Word from alteration. The Koran contains guidance for every age up until the end of time and contains miraculous signs that await discovery in the appropriate centuries. One such sign that awaited discovery was the developmental stages of the fetus in the womb. This process only became known to physicians recently, many centuries after the revelation of the Koran, and it is impossible that it would have been known at the time of the sending down of the Holy Koran.

Islam is not a new religion. It is the completion of teachings of Prophets Abraham, Moses and Jesus, all of whom preached that God is One and has no partners. It is tolerant and respectful of all other heavenly religions and their followers who share the belief in the One and only God. The Holy Koran teaches: “There is no compulsion in religion. Righteousness is now distinct from error. He who disbelieves in satan’s deception and believes in Allah has grasped the firmest tie that will never break, Allah is Hearing, Knowing.” Koran 2256

THE MEANING OF ISLAM

Islam, Muslim and Salam are Arabic words “Islam” driven from “peace” and the name of Allah is “Most Peace Giver” and used in the religion of “Islam” is one religion since Adam, Noah, Therefore The word “Muslim” is an adjective derived from the noun Islam, and implies one who has peace within himself and share it with his fellow world people from his submission to Allah.

There is absolutely no difference between Allah and the God of Abraham, Moses and Jesus. Muslims do not believe that Prophet Muhammad, peace be upon him was the only prophet; rather they believe that he was the last of the prophets of the Old and New Testaments. The Holy Koran is the revealed and sacred scripture of Islam, and it teaches: “Say (O Muslims), ‘We believe in Allah and that which is sent down to us, and in what was sent down to Abraham, Ishmael, Isaac, Jacob and the tribes; to Moses and Jesus and the prophets of their Lord. We do not differentiate between any of them, and to Him we are submissive (Muslims.)’” Koran 2136.

THREAD OF ISLAM

The most fundamental concept of Islam and the fountainhead of all its other principles and practices is the Oneness (in uniqueness - not mathematically) of Allah. Islam is monotheism in its purest form, and the logic of pure monotheism is the thread that runs through the entire fabric of the Islamic way of life.

Islam teaches a fundamental difference between Allah, the Creator and that which He has created. The sky, the moon, the stars, the harmony and perfection of the natural world, the grace and beauty of the human body and the excellence of the human mind, the alternation of day and night, the change of the seasons, and the mystery of life and death all point to something beyond, greater than themselves.

To the believer these are all signs of Allah. Islam teaches that Allah is not to be likened to anything that He has created. He is All-Powerful and All-Knowing; He is beyond any imperfection, and is the fulfillment of all Perfection. He is not a substance nor is He like any of His creatures. Allah is not a far away and distant God, nor is He unapproachable ideal. He is All-Kind, All Merciful, and the Turner of hearts.

Islam teaches that Allah is eternal. He was not born, nor has He fathered a son or a daughter. Islam rejects the concept of the incarnation of Allah, which is found in Hinduism, Christianity, and other religions, and believes that the concept of incarnation limits the concept of Allah and destroys the believer's conviction of the activeness and perfection of Allah.

The Koran describes Allah being perfect and active: "Allah, there is no god except He. The Living, the Everlasting. Neither dozing nor sleep overtakes Him. To Him belongs all that is in the heavens and the earth. Who is he that shall intercede with Him except by His permission? He knows what will be before their hands and what was behind them, and they do not comprehend anything of His knowledge except what He willed. His Seat embraces the heavens and earth, and preserving them does not weary Him. He is the High, the Great." Koran 2255.

ISLAM AND CHRISTIANITY

Islam rejects the notion that Jesus, peace be upon him, was the son of God. Rather it honors and respects him as one of the great messengers and prophets of Allah to the children of Israel. Islam rejects the Pauline concept of trinity and considers it a contradiction of pure monotheism. It also rejects the argument of some Christians (Nazarenes) that God made Himself incarnate in Jesus, peace be upon him, so that God could be known by men, and also rejects the argument that Jesus, peace be upon him, died on the cross for mankind's sins.

To begin with, Islam believes that man can come to know Allah and feel close to Him by means of proper prayer, fasting, charity, pilgrimage, and righteous deeds.

The very practice of Islam is meant to purify the believer's soul and to bring him/her closer to Allah. With regard to Jesus dying for our sins, Islam teaches that no human being can bear the burden of another's responsibility.

Allah is very aware of our human weaknesses and imperfection. He does not condemn us because we are imperfect; rather He guides us to self-perfection and He forgives us and showers His Mercy upon us when we fail and then sincerely ask for His forgiveness.

Muslims believe in the Divine origin of the Bible although Muslims doubt the historical authenticity of some parts of the Old and New Testaments and do not believe them to be exact representations of what Allah originally revealed.

The Koran holds this view of the text of the Old and New Testaments, and in recent years, this view has been upheld by textual studies of biblical scholars. Muslims believe in the Angels of Allah and His Prophets, peace be upon them. They believe in the resurrection of the dead at the end of the world; they believe in the coming of the Day of Judgment and eternal life in Paradise or Hell.

Although Muslims believe that Allah is All-Powerful and maintains complete control over His creation, they also believe that Allah has created man with free will and the ability to choose and act, and that Allah is just in making man morally responsible for what does during his/her lifetime. It is false to say that Islam teaches its followers to resign meekly and passively to their fate or destiny. Rather, Islam challenges the believer to fight against wrong and oppression and to strive for the establishment of righteousness and justice.

FAITH AND ACTION

Faith without action is a dead letter. Islam teaches us that faith by itself is not enough until it is transformed into action.

Prophet Muhammad, peace be upon him said; "Faith does not depend on raising hopes, but it is something which is firmly established in the heart and testified to by action. Indeed, there are people who have been deceived by their hopes, so that they finally leave this world without merit. They used to say, 'We have good expectations from Allah.' Yet they only deceived themselves, for had they truly placed good expectations in Allah, they would have excelled in good deeds."

Each Muslim is taught that he/she is personally responsible for his/her own actions. Islam teaches that every individual must carry the responsibility of his/her own actions and that no one can carry that burden for them.

THE POSITION OF WOMEN IN ISLAM

Islam teaches that woman is not inherently inferior to man; rather man and woman are of similar nature. They both are equal in intellectual and spiritual

capacity. Furthermore, they are both equally responsible for their deeds before Allah.

It is also true that Islam regards woman as having a primary role to play in the constitution and running of the family. Such is the importance of the role of motherhood that Prophet Muhammad informed us that "Paradise lies under the feet of the mother", in other words one must respect, honor and be good to one's mother. If you visit a Muslim home it will become very noticeable how the entire family pivots around her and it is extremely rare in Muslim countries to hear of a mother or father being farmed off into a nursing home when they are elderly.

Islam places great emphasis on the role of the Muslim woman as a wife and particularly as a mother, and Muslims are often of the opinion that the best position for the woman is in the home with her children and family. However, the Muslim woman is not prohibited from leaving her home to pursue education, a career, or other worthwhile and constructive goals that profit not only her but society as well. The Koran establishes the spiritual equality and mutual responsibility of man and woman in verses, such as the following:

"But whosoever does good works of righteousness, whether they be a believing male or female, shall enter Paradise, and not be wronged a pit mark of a date stone." Koran 4 124.

"And indeed their Lord answered them, 'I do not waste the labor of any that labors among you, male or female, you are from each other.'" Koran 3 195.

The relationship of the Muslim husband to his wife is not that of master to slave. Rather the entire responsibility of economic support is placed on the shoulders of the husband alone. He cannot demand of his wife that she also become economically productive to support the family, although she is able to do this if she desires.

The Koran explains this responsibility of men to women in the following verse: "Men are the maintainers of women for that Allah has preferred in bounty one of them over the other, and for that they have spent their wealth. Righteous women are obedient, guarding in secret that which Allah has guarded." Koran 4 34.

We are often asked why Muslim women wear black and are completely veiled. This practice is nationalistic and not from Islam. The attire of a Muslim woman is that of modesty, where her figure is not apparent to outsiders, not of veiling, however a scarf is a necessity. In this day and age in particular, where rape is a common occurrence in the west, she finds modest clothing to be a protection from unwarranted advances by the opposite sex.

The important point that should be made is that the religion of Islam has great respect for the woman. It does not teach that she is without a soul or that she is the root of all evil, neither does it define a woman as being inferior and must be kept in seclusion and subjugation.

Both Judaism and Christianity preach that the fall of Adam from the Garden of Eden was the fault of Eve and as such women are to blame. This is not the teaching of Islam, the Koran directs all the responsibility to Adam himself, while adding that Allah turned to Adam in mercy and forgave him his sin. Therefore, Adam's sin stops with Adam himself, and Allah does not hold mankind responsible for the sin of Adam and rejects the concept of original sin.

We cannot deny that the condition of women has at times been regrettable in the Muslim world, but the same can also be said of the rest of the world at large. We do not wish to justify these circumstances, but only to make the point that they did not originate from the teachings of Islam itself. Rather they are the results of short sightedness, ignorance, and human failure. Those believing women who were unjustly treated will be recompensed for their patience in the Hereafter because Allah is Just and does not love injustice.

BROTHERHOOD AND EQUALITY OF MANKIND

Islam teaches that the human family is one, that there is no superiority of white over black or black over white. Islam rejects radically all notions of racial prejudice and teaches that the only basis of distinction between human beings is their belief and individual moral qualities.

The concept of Islamic brotherhood has two primary dimensions; the relationship of Muslims to Muslims and the relationship of Muslims to non-Muslims. As for the first category, Islam teaches that the brotherhood between all Muslims is to be absolute and total. The Arab has no privileges over the non-Arab, and, since there is no clergy or priesthood in Islam, all Muslims are basically equal, from top to bottom, from rich to poor, from educated to uneducated.

As for the relationship between Muslims and non-Muslims, the teaching of Islam is that this is to be a relationship of mutual respect and particularly of tolerance. It is preferable that Muslims and non-Muslims live in peace, protect each other, and cooperate with one another. As the Koran says: "There is no compulsion in religion" Koran 2256 and "To you your religion, and to me my religion." Koran 109
6

REASON

Muslims consider their religion to be very rational and consistent with the dictates of the believing and reasoning mind.

Furthermore, the Koran teaches that rational faculty is one of the greatest gifts of Allah to humanity, and encourages us to use and develop it. Islam does not ask its followers to believe and then follow everything blindly and unquestioningly. The Koran says, for instance: "If you are in doubt of what We* have sent down to

Our worshipper (Prophet Muhammad), produce a chapter comparable to it. Call upon your helpers, other than Allah, to assist you, if you are true." Koran 223

** When pronouns are capitalized they refer to the Creator, Allah. Examples: You, He, Him, His and, Own while words such as Our, Ours, Us and We denote His Greatness, not plurality.*

Islam encourages reasoning, thought and personal opinion. The Prophet peace be upon him said: "The differences of opinion among the learned of my followers are Allah's mercy." Islam has great respect for learning science and for man's exploration of the secrets of nature and of creation. In fact Allah challenges man on many occasions in the Koran to deepen his faith, knowledge, and wisdom from study and contemplation of the natural world, its harmony, symmetry, and beauty. For example: "(It is He) who created the seven heavens, one above the other. You cannot see any inconsistency in the creation of the Merciful. Then return your gaze once more and yet again, your gaze comes back to you dazzled, and tired." Koran 67 3-4.

The individual capacities and unique abilities of people are the gift of Allah, to be developed, perfected, and used for the benefit of humanity. Islam does not try to crush the individuality of its believers, but rather to guide each believer to perfection and purify his own uniqueness.

This multiplicity of expressive and developed personalities enriches society and places it on a higher level, like the beauty of an intricate but unified arabesque.

ISLAMIC ATTITUDE TOWARDS WAR (AL QAEDA IS ASTRAY!)

In the eyes of some commentators on Islam and in the West (Judaic, Christian, and Islamic), Islam has been portrayed as a militant religion, a religion of blood, fire, and sword. We have already tried to draw attention to the fundamental concern of Islam for tolerance and religious freedom, and have also commented upon the emphasis Islam places on peace and cooperation among mankind. However, Islam is a practical religion, a religion which never ignores for a single moment the complexities and demands of the harsh realities and facts of life. Islam is fundamentally concerned with establishing societies in which the rights of freedom of belief, property, protection, dignity, and other general human rights are secure from both internal and external threats.

So, as Islam teaches its followers to be merciful and inclined toward forgiveness and peace even in times of war, it never teaches them to turn the other cheek. The philosophy of "turning the other cheek" may be appropriate for private individuals and small day-to-day affairs however it spells social suicide if it is implemented by society as an absolute value.

Islam therefore stipulates principles that Muslims are to follow before, during, and after war. Peace is to be established on the basis of justice. Muslims are not to

be aggressive or to violate treaties they have made with others, but war is to be waged in defense of the Muslim community and what it stands for. It is forbidden for Muslims to be the initiators of war or terrorist activities.

During war, killing of civilians and those who do not participate directly in the war is strictly forbidden. Prisoners are to be treated humanely. Destruction of lands, fruit trees, animals, and towns and villages are also forbidden where avoidable. Muslims are to incline to peace if the enemy is truthfully inclined to peace, and make treaties and agreements to preserve that peace and then observe those treaties as long as the enemy observes them. The concept of "jihad" is one of the highest concepts in Islam. The term has at times been translated as "Holy War". However, this translation is incomplete as jihad literally means "struggling." It is a concept that places great emphasis on the struggle of oneself with the temptations of Satan; to do good and sacrifice.

Prophet Muhammad, peace be upon him said, that the greatest jihad is the striving of the Muslim to purify himself.

Jihad consists of all the striving the Muslim does in his external life, charity, righteous living and acts, the constant effort to achieve the Right Path in his dealings with his fellow men. This is true striving in the Way of Allah.

THE FIVE PILLARS OF ISLAM

Islam sets down five principle duties that are obligatory upon all Muslims, and form the structure, or pillars, of his/her life.

They are:

1. Belief in the Oneness of Allah, and the bearing of witness to this belief with the words: "I bear witness that there is no god except Allah, and that Muhammad is His Prophet and Messenger."
2. The five daily prayers at dawn, noon, afternoon, sunset and nightfall. These five daily prayers help one to develop Allah consciousness in his/her everyday life. The importance of these cannot be over emphasized. They are a constant reminder to the worshipper of the Presence and Power of Allah and help the worshipper to keep his/herself from deviating from the Right Path.
3. The bestowal of charity on one's fellow man. Islam places great emphasis on generosity and charity as a means of purifying one's soul and drawing closer to Allah. The Muslim is enjoined to give voluntarily whenever he/she can; however, he/she is required each lunar year to pay an obligatory charity tax of 2 ½% of his/her annual savings. This obligatory charity is then given to orphans, the needy and the poor. The Zakat, which means obligatory charity enables the Muslim community to take care of all its members and insures that no one will be deprived of his/her basic human right to exist.

4. Fasting during the ninth month of the lunar year called "Ramadan." This fast is enjoined upon Muslims of good health and sound body who have attained the age of physical maturity and are not prevented from performing the fast by various circumstances like travel, sickness, mental illness, or specifically in the case of women, menstruation or childbirth. The fast of Ramadan begins at dawn and lasts until sunset. During this period the Muslim abstains from eating, and drinking, sexual activity and smoking. Fasting teaches self-discipline and control, while purifying the soul and body and strengthening one's consciousness of Allah.

5. The pilgrimage to Mecca. The pilgrimage is required of all Muslims at least once during their lifetime, if they have the financial means. The annual pilgrimage to Mecca is one of the greatest events of the Muslim world, uniting Muslims from every race and from every corner of the world. This is a great experience in the life of a Muslim that enables him/her to draw closer to Allah. The greatest blessing of going on pilgrimage is that all one's previous sins are wiped away and the pilgrimage returns them as pure as the day he/she was born. We would like to remind the reader that the Holy Mosque in Mecca was built by Prophet Abraham and his son, Prophet Ishmael.

WHO IS A MUSLIM?

Since there is no priesthood in Islam, no clergy and no official religious institution, all one has to do to become a Muslim is to be personally convinced of the truth of the teachings of Islam and bear witness that "There is no god except Allah, and that Muhammad is His Prophet."

One of the great beauties of Islam is its simplicity, naturalness, and lack of formalities. Islam is the religion of Adam and of mankind in its earliest through the most advanced stages of development. Allah says in the Holy Koran: "Therefore set your face to the religion purely, the upright creation upon which He originated people. There is no changing of the creation of Allah. This is the valuable religion, although most people do not know." Koran 30:30.

THE BENEFIT OF EMBRACING ISLAM

Among the many benefits of embracing Islam are that once you bear witness that: "There is no god except Allah, and Muhammad is His Prophet," all your past sins are forgiven and are transformed into merits with an enormous reward awaiting you in Paradise! In addition, you receive a double reward for believing the Prophet Jesus if you are a Christian or the Prophet Moses if you are a Jew, before believing Prophet Muhammad, which means that you receive two huge rewards, and you know that Allah loves you because He guided you to Him.

Your First 24 Hours In Islam

1. Tenets of the Islamic Faith

- a. To know God is the first obligation of all who are mature and competent. (*mukallaf* – someone who has reached puberty and is of sound mind.) Allah is simply the Arabic word for God, Who is existent and not nonexistent, eternal without beginning or end, not originating in or subject to time or space, everlastingly abiding, dissimilar to anything within time or space, existing without need and not subject to any conditions, having nothing and no one that resembles Him. He is uniquely One, without co-sharing His existence, attributes or actions. So Almighty is He that, He possesses Divine Power, Will, Knowledge, and Life. He wills all, knows all, lives, hears, sees, and speaks all.
- b. Through His generosity, Allah sent the Prophets, protecting their prophethood, from any physical or spiritual harm, guarding them from the temptation of committing any sins, whether large or small. He also forbade any disability or disadvantage to come onto them. They lived among and like the rest. They were the best of all created being, and the highest of them was whom Allah chose to be the final seal of prophethood, our (humanity's) Prophet Muhammad (Allah bless him and give him peace.) He is Allah's messenger of the sacred law that supersedes all previously valid religious laws. Prophet Muhammad's (Allah bless him and give him peace) Companions (*Sahaba*- those followers that new him in his time) were the finest generation, the best of them being Abu Bakr, 'Umar, 'Uthman, and 'Ali. (May the pleasure of Allah be upon them all.)
- c. We believe in everything that Allah has informed us of upon the tongue of Muhammad (May Allah bless him and give him peace) including the existence of hell and paradise. We believe in the angels and their questioning of the dead about their faith while in the grave, and of the Day of Judgment for the dead and their resurrection. We also believe in the scales of justice in which every soul's good and bad deeds are weighed. We acknowledge the existence of the high and narrow bridge over hell in which believers will safely cross over into paradise. We also believe that the Prophets and the devout worshippers can plead to Allah on the behalf of their followers.
- d. To be called a Muslim one must believe in the basic principles of Islamic faith. These are the prayer rituals, rules, obligations, and beliefs, as said by Prophet Muhammad (May Allah bless him and give him peace) and practiced by Muslims. Persons who have not been exposed to Islam cannot be called non-Muslim because they have not had the opportunity to accept or reject the principles of Islam. Once a person has been informed of the principles of Islam

they can then be identified as being a Muslim or a non-Muslim according to their acceptance or non-acceptance of the faith. Any person, who, upon knowing Allah's laws, chooses to disobey any of them, is considered to be non-Muslim.

2. The Fundamentals of Islam

Before accepting Islam, one must have been informed of the Prophet's message and voluntarily accepted its validity. One must also be of sound mind and reached puberty.

- a. The foundations of Islamic practice are made up of five things:
 - i. Saying and accepting the two-part declaration of faith, "I declare that there is no god except Allah, and I declare that Muhammad is the messenger of Allah." One must understand and believe all parts of the declaration and must utter them in their original order without separating them. This declaration can be said in any language (although it is preferred that it be said in Arabic) and must be stated before one can be considered a Muslim.
 - ii. The prescribed pattern of prayer (*salat*)
 - iii. Obligatory charity that equals 2.5 percent of annual savings (*zakat*)
 - iv. Pilgrimage to Mecca at least once if financially affordable
 - v. Observing the fasting of the month of Ramadan
- b. The meaning of true faith (*iman*) is that one believes in Allah, His angels, His Revealed books, His messengers, the Last Day, and in destiny whether good and bad.
- c. In the Islamic lifestyle there are three moral guidelines:
 - i. To do what Allah has commanded
 - ii. To avoid what He has forbidden
 - iii. To accept what He has destined
- d. There are four basic sources that support Islamic laws:¹³
 - i. The Koran
 - ii. The sayings and actions of the Prophet
 - iii. The scholarly interpretation of original law in order to apply new laws that fit the needs of a changing society (*qiyas*-extrapolation)
 - iv. The unanimous consensus of Islamic scholars

3. The Sacred Law

There are five classifications of Sacred Law. These are:

- a. Recommended (*mandub*) actions – whose performance is rewarded, and whose non-performance is not punished¹⁴

¹³Any conclusion from the use of any other sources (*bid'a*) is unacceptable, and these four sources are equally binding for all believers.

¹⁴ Those actions that are recommended for believers were required of Muhammad (May Allah bless him and give him peace.) I.e. The night vigil prayer (*tahajjud*) was required of Muhammad but is not essential for his followers.

- b. Essential (*wajib*) actions – whose performance is rewarded, and whose non-performance is punished
 - i. Personally essential- an action that every individual is obligated to perform (i.e. ablution.)
 - ii. Communally essential – an action that can be performed by one person for the group (i.e. prayers at a funeral)
- c. Permissible (*mubah*) actions – whose performance is not rewarded and whose non-performance is not punished
- d. Offensive (*makruh*) actions – whose performance is not punished and whose non-performance is rewarded
- e. Unlawful (*haram*) actions – whose performance is punished and whose non-performance is rewarded

4. Accepting the Islamic Faith

In order to enter into the faith of submission to the Creator, one must declare this statement in the presence of two Muslim male witnesses after cleansing oneself with a shower or bath.

Say:

- a. (It is recommended that it is spoken in Arabic but the English translation has been provided.)

<i>"Ash hadu</i>	=	<i>"I bear witness</i>	
<i>anla</i>	=	<i>that there is no</i>	
<i>ilaaha</i>	=	<i>god</i>	
<i>ella</i>	=	<i>except</i>	
		Allahu=	Allah
<i>wa</i>	=	<i>and</i>	
<i>ash hadu</i>	=	<i>I bear witness</i>	
<i>anna</i>	=	<i>that</i>	
<i>Muhammadan</i>	=	<i>Muhammad</i>	
<i>abduhu</i>	=	<i>is His worshipper</i>	
<i>wa</i>	=	<i>and</i>	
<i>rasooluh."</i>	=	<i>messenger."</i>	

- b. "I believe in the above statement and in:
 - i. Allah.
 - ii. All his angels.
 - iii. All his books.
 - iv. The Day of Recompense (Judgment.)
 - v. The predetermined plan of Allah."
- c. "I also acknowledge my obligatory duties. These are:
 - i. The five daily prayers.
 - ii. Fasting during the month of Ramadan.
 - iii. Charity of at least 2.5 percent of annual savings.
 - iv. At least one Pilgrimage to the holy city of Mecca."

Right after you have completed your Declaration of Faith (above), it is obligatory to say your first prayer. After you have accepted Islam (by accepting the Declaration of Faith) it is obligatory to complete all prayers after that.

Congratulations! You are now officially a Muslim!

Do not forget to download:

Millennium Biography of the Prophet

Koran

Prophetic Sayings

Jurisprudence

From

www.JesusMuhammad.com

Study them at home and in circles in the Mosques under the Imams' supervision

5. Consumption

- a. Eat only *halal* or kosher meats. You can find such meats in specialty stores. If it is not *halal* or kosher, do not eat it. *Halal* is a way of slaughtering the animal and a way of preparing it for eating. *Halal* pertains only to red meats and poultry (non-carnivorous birds). It does not apply to any ocean life, which is permitted as is (i.e. fish, shrimp, crab, etc.) Be careful in eating deep-fried seafood or French fries, as they may have been fried in oil that has been used to fry other non-halal meats. By preparing the meat in a *halal* way, the animal's suffering is greatly minimized. At the time of slaughter, the animal never sees the knife (which must be very sharp to minimize pain), and there are no other animals in viewing distance. The person who slaughters the animal must be Muslim or have been directed to kill the animal by a Muslim, and he must bless the animal by pronouncing the name of Allah (*Bismilla Allahu Akbar*) over it prior to slaughter. Once the animal has been slaughtered, it is hung upside down from its hind feet in order for all the blood to drain out. Muslims believe that eating meat with blood in it is unhealthy. As with any Muslim guidelines about life, each one has its practical reasons, but first and foremost, that rule has been directed to us by Allah through Muhammad (May Allah bless him and give him peace) and therefore it should be blindly upheld. Kosher meats are essentially prepared the same as *halal* but the Jews put more regulations on their meat. (i.e. A kosher store must be owned by a Rabbi.) Therefore Muslims can eat *halal* and kosher foods, but Jews only eat kosher.
- b. Resign from eating all pork products (including lard and pork by-products), as the swine consumes dirt and is a vital carrier of certain diseases (i.e. flu.)³

³As with any Islamic law, there are practical reasons for it but because the law was given to us by Allah

- c. Resign from consuming any alcohol or mind-altering products. Allah forbids all products that alter the mind because decision-making skills are lost when under the influence of such chemicals. Also, alcohol and other drugs are unhealthy for the human body.³
6. Performing Ablution (*wudu*) for Prayer.³
- a. Upon using the toilet, it is essential that one's private area be fully cleansed with water, and the hands must be washed with soap before performing ablution (*wudu*.) This also applies to any time one uses the bathroom regardless if ablution needs to be performed. If one engages in any kind of intercourse, a full shower is needed in which every part of the body is rinsed, including the hair.⁴
 - i. Say: "*Bismillah Arahmani Araheem.*" (In the name of Allah the Merciful, the Most Merciful.)
 - ii. Wash hands: Rinse them up to the wrists making sure that no part of the hands are left dry. (3x)
 - iii. Wash mouth: Cup the right hand and fill it with water. Use the water to rinse the mouth. (3x)
 - iv. Wash nose: Sniff water up into the nostrils using the right hand and then eject it with the help of the left hand. (3x)
 - v. Wash face: Splash water over the face covering the entire area from ear to ear, and from forehead to chin, making sure that no part of the face is left dry. (1x)
 - vi. Wash head: With wet fingers, wipe the head starting from the forehead and ending at the nape of the neck, then reverse the motion ending up at the forehead again. (1x)
 - vii. Wash ears: Gently insert wet fingertips into the ears and pass them through the ear canals. Complete the movement by passing the thumbs behind the ears from the bottom up. (3x)
 - viii. Wash feet: Starting with the right foot, rinse feet entirely including the ankles making sure that no part is left dry, especially between the toes. (3x)
 - b. There are four conditions that can nullify a person's last ablution. The ablution must be performed again if:
 - i. Anything exits from any of the private areas, including flatulent.
 - ii. The person has slept.

through his messenger Muhammad (May Allah bless him and give him peace) it should be blindly upheld regardless of reasoning.

³⁴The hair must be rinsed thoroughly. Partial wetting is not acceptable.

- iii. Bodily contact with another person of the opposite sex in a sexual manner has occurred. (But if sexual intercourse has occurred a full shower is needed.)
 - iv. One's own hand touches their private area (i.e. using the restroom.) Ablution is not nullified by vomiting, nose bleeds, having an open wound⁵, or laughing during prayer.
 - c. If one is uncertain that ablution is needed, according to Islamic law, one should err on the side of caution and perform the ablution to be certain.
 - d. If one is traveling and does not have access to water, it is permissible to perform a dry ablution. Performed much the same way and in the same order, ablution can be accomplished by substituting water with tapping the earth with the hands. (One may omit ablution for head, ears, and feet if performing a dry ablution.) This also applies to those who would like to pray outside and do not have immediate access to water. But if one has made dry ablution and, before making prayer, finds water, it is obligatory to perform ablution again using water.
 - e. For persons having bandaged wounds or a cast, it is acceptable to gently rub the area with wet fingertips to fulfill the ablution to that part of the body.
 - f. If it is difficult to perform ablution on the feet (i.e. a working woman who is wearing panty hose and does not want to take the panty hose off in order to wash her feet), it is permissible to wipe the tops of the shoes with wet fingers only if the shoes have not been taken off since the last ablution.
 - g. A person suffering from urinary incontinence must take care that the private area is cleansed immediately before prayer. It is also recommended that one wear an absorbent cloth to catch the urine.
7. The Five Daily Prayers⁶
- a. It is essential that you immediately begin to pray even though you may not be fully knowledgeable in the process of prayer yet. Just do what you can in prayer but it is imperative that you learn it quickly.
 - b. Ablution must be made before any prayer can be performed.
 - c. One should say all statements of prayer in Arabic, but performing it in your native language until you learn the Arabic does not make it void. Allah hears all who speak to Him.
 - d. One must not speak sounds other than those for prayer.
 - e. It is recommended that you use a prayer mat on top of which to pray, but again, it is not necessary. A clean towel is sufficient.

⁵ If an open wound produces blood or puss, the liquid must be removed before prayer, unless it is unhealthy to do so.

⁶There is much more to learn about salat, but this text will provide the basics. For a more in depth look into salat refer to The Civil Islamic Law (fiqh.com.)

- f. Below is a definition of one unit. (For each prayer there is an obligation to do a certain number of units.)⁷
- i. Face southeast, as this is the direction of the *Kabah*, a building used as the Islamic compass created by Allah rebuilt by Abraham, located in the city of Mecca on the Arabian peninsula. If during any part of a prayer, the worshipper's chest turns to face any other direction, the prayer is cancelled and must be performed over again.
 - ii. While standing, swing hands up above the shoulders. This symbolizes leaving the whole universe behind you and preparing yourself to hear only Allah (directing the ears toward Kabah.) During this movement one should say:
 "Allah is the Greatest."
"Allahu Ekbar."
 - iii. Upon allowing the hands to come down, place the right hand over the left wrist, and place your hands over your abdomen. Recite the first chapter of the Holy Koran, and recite three or more consecutive verses of choice from the Holy Koran.
 Begin with:
 "I seek refuge with Allah, from satan, the stoned."⁸
"Aothu bilahee min ash highton arajeem."
 "In the name of Allah, the Merciful, the Most Merciful."
"Bismillah arahman araheem."
 Chapter 1
 "Praise be to Allah, Lord of the Worlds, the Merciful, the Most Merciful, Owner of the Day of Recompense. You (alone) we worship, and You (alone) we rely on for help. Guide us to the straight path, the path of those upon whom You have favored, not those whom anger is upon, nor those who have gone astray."
"Alhamdu lil lahi rabil alameen arahmani araheem maliki yaw mideen. Iyaka nabudu wa iyaka nestaeen. Ehdena aserata almostakeem. Seratal lathenna anamta alayhim ghayril magh dubi alayhim wa la dauleen (Ameen)"

Example of Supplementary reading of Koran:

Chapter: 112 Oneness - Al-Ikhlās

Chapter 112

"In the Name of Allah the Merciful, the Most Merciful"

⁷If anyone is unable to physically perform any part of a prayer, it is acceptable to perform it in the best way possible.

⁸This statement must always be said before reciting any part of the Koran. It also should be said before using the restroom.

“Say, Allah is One, the Called Upon. He has not given birth, and He has not borne. There is none equal to Him.”

“Bismillah arahman araheem.”

“Kul huwa Allahu ahad. Allahu asamad. Lam yalid wa lam yulad. Wa lam yakun lahu kufu wan ahad.

- iv. When the reading is complete, swing arms up to shoulders, then allow the entire torso to fall down into a bent-over position, ending with the hands resting on the knees. Fill the movement with the words, “*Allahu Ekbar.*”
- v. In this bent over position, repeat three times or more (keeping to odd numbers):
 - “Exalted my Lord, the Great.”
 - “Subahana Rabia el alla.”
- vi. In coming up to standing position, say:
 - “Allah hears whosoever praises him.”
 - “Samia Allahu leman hamidah.”
- vii. While saying “Allahu Ekbar,” prostrate onto your knees with face touching the ground so that seven points are touching the floor.
 - 1. Face (forehead and nose)
 - 2. Two hands (closed fingers)
 - 3. Two knees
 - 4. Two feet
- viii. In this position repeat three times or more (keeping to odd numbers):
 - “Exalted is my Lord, the High.”
 - “Subhana rabia el alla.”
- ix. Come up into a sitting position in which your legs are resting underneath you, while saying “Allahu Ekbar.” In this position, your hands should be resting on your knees.
- x. While saying “Allahu Ekbar,” prostrate again. Once the seven points are resting on the ground say, “Subhanna rabia el alla,” three times or more (keeping to odd numbers.)
- xi. This completes one unit.
- xii. After the second unit of any prayer, all or part of the Greeting Prayer must be recited.
 - “All greetings, prayers and goodness are for Allah. O Prophet, may the Mercy, the Blessings, and the Peace of Allah be upon you. Peace be upon us, and upon the good worshipper of Allah. I bear witness that there is no god except Allah, and I bear witness that Muhammad is His Worshipper and Messenger. (1st

half ended.) O Allah, grant praise upon Muhammad and the kin of Muhammad as You granted praise upon Abraham and the kin of Abraham. Truly, You are the Most Praised and Noble. Bless Muhammad and the kin of Muhammad as You blessed Abraham and the kin of Abraham in the world. Truly, You are the Most Praised and Noble.”

“At tayhi yatu lil layhe wa salawatu watyebat. Asalamu alayka ayuha anabey wa rahmatu lahi wa barakatu. Asalamu alayna wa alla ibady ilayhe asaliheen. Ash hadu anla ilaaha ella Allahu wa ash hadu anna Muhammadan abduhu wa rasooluh. (1st half ended.) Allah homma, solly alla Muhammadin wa alla eli Muhammadin kama saulighta alla Ebrah heem wa alla eli Ebrah heem. Ineka hameedon majeed. Allah homma, barik alla Muhammadin wa alla eli Muhammadin kama barokta alla Ebrah heem wa alla eli Ebrah heem fil alameen. Ineka hameedon majeed.”

- xiii. Upon completing all required units for a particular prayer, stay seated and turn head to the right and then to the left, saying both times:

“Peace be upon you.”

“Ah salamu alaycum.”

This is referred to as the Peace Statement and it ends all prayers.

- xiv. If one has missed a prayer for a valid reason (i.e. being asleep or forgetting it), or if one has missed a prayer for a non-valid reason (i.e. choosing not to pray at the appropriate time) the prayer should be made up as soon as possible.

The 24 Hour Prayer Schedule

Morning Twilight	Afternoon	Late Afternoon	Sunset
2 units	4 units	4 units	3 units
4 units			
*Beginning to sun be light, but daylight before sunrise	*No more sun has reached its zenith (darkness)	*Begins just after object’s shadow equals its height	*Begins when has fully set
			*After

*Koran recited *1 st -2 nd units aloud silently Koran read aloud *3 rd -4 th units Koran read silently	*Koran recited *1 st -2 nd units silently Koran read aloud *3 rd unit Koran read silently	*Koran recited silently Koran read aloud *3 rd unit Koran read silently	*Koran recited silently Koran read aloud *3 rd unit Koran read silently
*Supplemental *Supplemental reading of Koran reading of Koran for both units units for 1 st -2 nd units *After 2 nd unit unit recite full Greeting recite ½ Greeting Prayer Prayer	*Supplemental *Supplemental reading of Koran reading of Koran for 1 st -2 nd units for 1 st -2 nd units *After 2 nd unit *After 2 nd unit recite ½ Greeting Prayer Prayer	*Supplemental *Supplemental reading of Koran reading of Koran for 1 st -2 nd units for 1 st -2 nd units *After 2 nd unit *After 2 nd unit recite ½ Greeting Prayer Prayer	*Supplemental *Supplemental reading of Koran reading of Koran for 1 st -2 nd units for 1 st -2 nd units *After 2 nd unit *After 2 nd unit recite ½ Greeting Prayer Prayer
*After 4 th unit recite full Greeting Prayer	*After 4 th unit recite full Greeting Prayer	*After 4 th unit recite full Greeting Prayer	*After 3 rd unit recite full Greeting Prayer
*End w/ Peace *End w/ Peace statement statement	*End w/ Peace *End w/ Peace statement statement	*End w/ Peace *End w/ Peace statement statement	*End w/ Peace statement

Prayer times are constantly changing every day of the year. The internet is full of resources to tell you the exact times for prayer in your area. Just look up Prayer Times on any search engine to find a site or call your local Islamic Center for a yearly or monthly calendar.

8. Purification

- a. Purification according to Islamic law means the action of removing any impurity or filth by rinsing the entire body or by performing ablution with pure water. There are two types of impurity each requiring its own purification process. Minor impurity requires ablution. Major impurity requires a full shower. Water is no longer pure if its taste, smell or color is different from pure water. Salt water is considered pure water.
- b. Use the right hand only for clean things, such as eating, feeding babies, and greeting people. Use the left hand for cleaning and personal hygiene.
- c. If one comes into contact with any of the following substances, the substance must be removed before one can be considered in a purified state.⁹
 - i. Blood or Puss
 - ii. Vomit
 - iii. Liquor (except wine that has naturally turned to vinegar)
 - iv. All substances that exits from any private areas, including semen and vaginal discharge¹⁰
 - v. Animal life that dies in a non-Islamic way, excluding aquatic life (it is considered pure)
 - vi. Hair from animals that are not slaughterable (i.e. lion or pig)
 - vii. Locusts
 - viii. Deceased human beings
 - ix. Saliva from dogs (Must be washed seven times. Washing machine is sufficient.)
 - x. Swine
- d. To purify the mouth it is recommended to use a toothbrush, floss, tongue scraper, & mouthwash.
- e. After a state of major impurity, a complete water shower is needed. Major impurity comes from:
 - i. Intercourse (meaning when the head of the penis passes through the vaginal ring.)
 - ii. Female or male orgasm.
 - iii. Death. (A person who dies must be given a shower before burial.)
 - iv. A woman's menstrual period.
 - v. Giving birth.
 - vi. Prenatal bleeding.
- f. There are three obligations while performing a purifying bath. These are that one must:
 - i. Begin by saying,
 "In the name of Allah, Most Merciful and Compassionate."
"Bismillahi arahmani araheem."

⁹One must be in a state of purity before making any prayers (salat.)

¹⁰Although semen and vaginal discharge are considered impure, the specific source of reproduction (sperm and egg) is pure.

- ii. Consciously intend to purify one's self through cleansing.
 - iii. Rinse all of the skin, including the hair to the roots, and under the nails.
 - g. The following actions are unlawful to perform in a state a minor impurity. In order to perform any of these actions, ablution must be made.
 - i. Prayer
 - ii. Touching of the Koran
 - iii. The required prostration upon hearing certain verses of the Koran
 - iv. Volunteer prostration to thank Allah
 - v. The required circling of Kabah upon journey to Mecca
 - h. The following actions are unlawful to perform in a state a major impurity. In order to perform any of these actions, a shower must be taken.
 - i. Recitation of the Koran
 - ii. Intercourse immediately after a menstrual cycle
 - iii. The beginning of a fast immediately after a menstrual cycle
 - iv. To enter a mosque after a menstrual cycles has ended
- 9. Specific Information for Men**
- a. During prayer, men should take care to cover their bodies from the shoulders to the knees. Clothing should be loose and not reveal the shape one's figure.
 - b. Attending Friday prayer (juma) in a local mosque is obligatory for all able, Muslim males. In preparation, he must take a purifying bath/shower and clean his mouth. He should also wear perfume and wear white loose clothing. He should arrive at the mosque before the sun reaches its highest, for juma replaces his afternoon prayer.
- 10. Specific Information for Women**
- a. In Islamic faith it is understood that men are attracted to women by way of sight, whereas women are attracted to men by way of thought. Therefore in order to avoid any sexual thoughts on the part of the male during a time of prayer, it is necessary for a woman to cover her entire body save the face and hands. Contrary to Western opinion, the choice to cover the body is done out of respect for the woman, and some Muslim women cover up partly as a favor to their Muslim brothers.¹¹ For the same reason, when men and women are praying together, the woman prays behind the man so that he cannot be sexually distracted by her presence, thus allowing him to focus on his prayer. All this being said, if you are

¹¹There are, of course, other reasons why a woman would choose to cover herself up. For a more in-depth look into this topic please refer to The Holy Koran.

female, it is obligatory to cover one's self up during prayer (even if you are alone.)³

- b. In Islamic thought, a woman should have the opportunity to rest during her menstrual period. Therefore, during her cycle, a woman must not participate in any of the five obligatory prayers.³ If however a woman begins to bleed and the bleeding ceases within 24 hours, it is not considered a menstrual cycle and therefore, she must make up all missed prayers. If the bleeding begins and stops repeatedly, usually referred to as spotting, this is considered menstruation and therefore no prayers should be performed.
- c. If a woman is in her menstrual cycle during a time of fast, she should not partake in the fast, but needs to perform the fast once her menstrual cycle has ended.
- d. If a woman for any reason chronically emits an unusually large amount of vaginal discharge, she should cleanse the area immediately before making any prayers.

11. The Remembrance of Allah (*Thikre*)

- a. Remembrance - Although it is essential to state the Declaration of Faith during one's initiation into Islam, stating it frequently is highly recommended. It means that one accepts the Oneness of Allah and the Prophethood of Muhammad (May Allah bless him and give him peace.) One can also continuously repeat the first statement as a means of contemplation.

“I declare that there is no god except Allah.”

“*Ash hadu enla allahah ella Allah.*”

- b. Worship - Aside from believing in your heart, the next best form of worship is the prescribed pattern of prayer (*salat*.)

- c. Glorification - The best way to give glory to Allah is to say:

“Exalted are You. We are unable to glorify You as You glorify Yourself.”

“*Subahanaka. Lan ohsee thana an ahlayeka anta kama athnighta alla nafsik.*”

- d. Praise – The best way to give praise to Allah is to say:

“Praise be to Allah, a kind of praise that equals His favors and the favors yet to come.”

“*Alhamdu lelahe hamdan yuafio neamahu wa yukafe u mazeeda.*”

- e. Blessing on the Prophet (May Allah bless him and give him peace)¹²

– The best way to ask Allah to bless Prophet Muhammad (May Allah bless him and give him peace) is to say:

³¹² Asking Allah for blessing upon Muhammad (May Allah bless him and give him peace) is considered Remembrance of Allah.

“O Allah, grant praise upon Muhammad and the kin of Muhammad as You granted praise upon Abraham and the kin of Abraham. Bless Muhammad and the kin of Muhammad as You blessed Abraham and the kin of Abraham in this world. Truly, You are the Most Praised and Noble.”

“Allah homma, solly alla Muhammadin wa alla eli Muhammadin kama saulighta alla Ebrah heem wa alla eli Ebrah heem. Wabarik alla Muhammadin wa alla eli Muhammadin kama barokta alla Ebrah heem wa alla eli Ebrah heem fil ala meen. Ineka hameedon majeed.”

- f. Blessing on the Prophet when saying his name¹² – Although obligatory during the Declaration of Faith, it is strongly recommended that one give Prophet Muhammad (May Allah bless him and give him peace) this blessing at every mention of his name.

“Prophet Muhammad (May Allah bless him and give him peace.)”

“Prophet Muhammad (*Saula Allahu aleahe wa sal lam.*)”

Daily rituals

“Say [to them, O Muhammad]: This is My Path, I invite to Allah, and so do those who follow me with [spiritually guided] insight.” *Koran [12.108]*

“We [Allah] have sent you (Prophet Muhammad) as a witness and as a bearer of glad tidings and a warner, so that you [followers] believe in Allah and His Messenger and that you support him, revere him (Prophet Muhammad), and exalt (Allah) Him, at the dawn and in the evening. Those who swear allegiance to you swear allegiance to Allah. The Hand of Allah is above their hands. He who breaks his oath breaks it against his self, but for he that keeps his covenant made with Allah, Allah shall give him a mighty wage.”*[48.8-10]*

“Let whosoever is present [of my companions] inform the absent [every human]”
Prophet Muhammad

Reciting the Koran:

“And recite what was revealed to you in the book of your Lord...” *[18.27]*

“Recite what has been sent down to you of the book...” *[29.45]*

“Recite from the Koran as much as is easy...” *[73.20]*

“Recite it as it ought to be read...” *[2.121]*

Studying the Hadith:

“He does not speak out of desire; indeed it is not but a Revelation which is revealed” [53.3-4]

“Whatever the Messenger gives you accept it and whatever he forbids you, abstain” [59.7]

“And what we have sent down to you the Remembrance so that you can make clear to people that which has been sent down to them, in order that they reflect” [16.44] and [2.151]

“We have not revealed to you (Prophet Muhammad) the Book except that you may clarify for them that upon which they differ, and as a guidance and mercy to a nation who believe.” [16.64]

“We have sent among you a Messenger (Prophet Muhammad) from yourselves... who will teach you the Book and Wisdom, and teach you that of which you have no knowledge.” [2.151]

“Indeed I was given the Koran and the like of it. Beware of a man who is full reclining on his sofa saying follow only this Koran, what you find in it legal make it legal and what you find in it forbidden forbid it. [The Prophet replied that] what the messenger of Allah forbids is what Allah forbids...” Prophet Muhammad

The Prophet stood amongst us and said. “Do you think one of you reclining on his sofa thinks that what Allah has forbidden only in this Koran – I have ordered admonished and forbidden many things which are as the Koran, or more (in number)...”

Defending Muslims against Non-Muslims – (Al Qaeda is way astray)

“Be friendly to people and do not fight them till you invite them to Allah. For there is no family on earth whether in the city or the countryside that you bring them to me believers is more beloved to me than you capturing their women and children and killing their men.” Prophet Muhammad

“That was why We wrote for the Children of Israel that who ever killed a soul, except for a soul slain, or for sedition in the earth, it should be considered as though he had killed all mankind; and that who ever saved, it should be regarded as though he had saved all mankind. Our Messengers brought them proofs; then many of them thereafter commit excesses in the earth.” [5.32]

Kind Preaching and Admonition

“Call to the Path of your Lord with wisdom and fine admonition. Dispute with them in the best manner*. Your Lord is well aware of those who have gone astray from His Path and He is well aware of those who are guided.” [16.125]

“Let no one bar you from the verses of Allah after they have been sent down to you, but call to your Lord, and do not be amongst the idolaters.” [28.87]

*“So invite and go straight as you are ordered, and do not follow their desires and say: ‘I believe in whatever Book Allah has sent down. I am ordered to be just

among you. Allah is our Lord and your Lord. We have our deeds and you have yours; there is no argument between us and you, Allah will bring us all together, to Him is the arrival.” [42.15]

The Prophet said to Imam Ali, “Call to Islam and inform them of what is obligatory of the rights of Allah the High. By Allah, if Allah guides one person by you, it is better for you from the red rare camels.”

Thikre - The Rites of Remembrance of Allah

“Men (including Women) who exalt Him (in mosques), whom neither trade nor sale can divert from the remembrance of Allah, and establish the prayers, and pay the obligatory charity; fearing a Day when hearts and eyes shall be turned about” [24.37]

“For... men and women who ritually remember Allah in abundance, for them Allah has prepared forgiveness and a mighty wage.” [33.35]

“Is it not time that the hearts of the believers be humbled to the ritual remembrance of Allah and the truth which He has sent down? They should not be like those who were given the Book before this, whose time became very long so that their hearts became hardened. Many of them were impious.” [57.16]

“Believers, ritually remember Allah frequently, exalt Him at dawn and in the evening.” [33.41-42]

“And when you have fulfilled your sacred duties remember Allah as you remember your forefathers or with deeper reverence.” [2.200]

“Indeed I am Allah. There is no god except Me. Worship Me and establish the prayer for my ritual remembrance” [20.14]

“Whosoever turns away from My ritual remembrance, his life shall be narrow and on the Day of Resurrection We shall raise him blind.” [20.124]

“Indeed, satan seeks to stir up enmity and hatred among you by means of wine and gambling, and to bar you from the rites of remembrance of Allah and from praying. Will you not abstain from them?” [5.91]

“Those who believe, and whose hearts find comfort in the remembrance of Allah - Is it not with the ritual remembrance of Allah that hearts are satisfied.” [13.28]

The Prophet, may Allah venerate him, said that Allah said:

“I am as my worshipper thinks of Me and I am with him as he ritually remembers Me. If he ritually remembers Me in his self I remember him in Myself, and if he ritually remembers Me in a group, I remember him in a better group (assembly of angels).”

The Prophet, may Allah venerate him, also said:

“May I inform you about your best deeds and their finest with your King, and the highest of them in ranks, better for you than spending gold and silver, and better for you than you meet your enemy and you slay the neck of one another? The ritual remembrance of Allah.”

“Allah has traveling angels, noble, they follow the gathering of ritual remembrance, so if they see a gathering with ritual remembrance of Allah, they sit and surround one another with their wings until they fill between them and the lower sky. When the gathering disperses, they raise to the heaven and Allah the Mighty the Glorified questions them, though He already has the knowledge, ‘From where have you come?’ ‘We came from Your worshippers on earth, they exalt You, they pronounce Your Greatness, they pronounce Your Oneness, they Praise You, and they ask of You.’ He further questions, ‘What do they ask of Me?’ ‘They ask paradise of You.’ ‘Did they see My paradise?’ ‘No, our Lord.’ ‘What if they had seen it!’ ‘And they are pleading that You save them.’ ‘What do they plead Me to save them from?’ ‘Your fire, our Lord.’ ‘Did they see My fire?’ ‘No, our Lord.’ ‘What if they had seen it!’ ‘They are asking for your forgiveness.’ He replies, ‘I have forgiven them and I have given them what they asked and I have saved them from what they pleaded.’ They added, ‘Our Lord, amongst them is so and so, an enormous sinner, he just passed by and sat with them.’ So Allah said, ‘I forgive him as well, for they are a group amongst whom no one sits that will be miserable.’”

“Nothing will save you better from the punishment of Allah than rites of remembrance of Allah.”

Every time the Prophet sat, they counted him saying “I ask Allah’s forgiveness” 100 times. It is obvious that whoever he sat with followed him, so it is therefore clear that they would be doing the same. Thus, when Muslims sit in any meeting they should make this thikre 100 times.

You might begin to do this just one time at night and once in the morning, either solo or with friends and family. This is appropriate to do this inside or outside the mosque, so long as it is not in a place of filth.

Further Thikre and Supplication

Repeat 100 times: Except Allah there is no god

Repeat 100 times: Veneration upon the Prophet, his family and his companions with Peace from Allah

Repeat 100 times: Exalted is Allah with His praise

Repeat 100 times: There is no god except Allah, none can share with Him, the Kingdom is His and Praise is His and He is able to do anything.

For more fine details please refer to Imam Nawawi’s reference of Ritual Remembrance (Al Athkar) via your train of transmitters up to the Prophet.

When you do this involve the Muslims around you. You revive the Prophetic Path and receive the rewards. Do not quit doing it, whether you have ablution or not or in the case of sisters, whether you are in the prayer cycle or not.

*NOTE: Say it in English until you learn the Arabic!

For Muslims and new converts:

When a person embraced Islam, the Prophet himself, may Allah venerate him, would teach him and tell him to supplicate with the following words:

“Oh Allah, forgive me, have mercy on me, guide me, protect me, and give me provision.”

The Prophet, may Allah venerate him, used to say:

“Oh Allah, amend my spirituality, which is the core of my affairs, and reform my life which includes my livelihood, and rectify my hereafter which holds my appointment, and make life an increase in every good, and make death a rest from every evil.”

“Oh Allah, protect me from the evil of what I have done and from the evil that I did not commit.”

“Please protect me from inability, laziness, cowardice, greed, senility, and punishment of the tomb. O my Lord, give my soul fear of You and purify it, you are the best to purify. You are its Guide and Lord. O my Lord, protect me from knowledge that does not benefit, and from a heart that does not become humble, and from a self that does not get full and from a supplication that is not answered.”

The Prophet, may Allah venerate him, said the masterpiece of requesting forgiveness is:

“O Allah, You are my Lord, there is no god but You, you have created me and I am your worshipper, I am upon Your covenant and Your promise as possible as I can, I ask for Your protection from the evil of what I have done, I testify to Your favor upon me, and I confess my sin, so forgive me for no one forgives sins but You.”

[If he says this in the beginning of the day, certain of it and he dies before the night, he among the inhabitants of Paradise. Whoever says it at the beginning of night and is certain of it and dies before morning, he is from the inhabitants of Paradise]

By sunset and the call for Prayer say:

“Oh Lord, in welcoming Your night and the departure of the day, and by the sound of the supplications and the arrival of the prayers to You, I ask You to forgive me.”

When dusk comes say:

“We and the whole Kingdom enter night for Allah. Praise is Allah’s, after Allah there is no god, none can share with Him, the Kingdom is His and Praise is His and He is able to do anything. My Lord, I ask you for the best of this night and what follows it; please protect me from the evil of this night and what follows it.

Lord, save me from laziness, senility, pride, and trials in life. Lord, protect me from the Punishment of the Fire and the trial and punishment of the tomb.”

When dawn comes say:

“We and the whole Kingdom enter dawn for Allah. Praise is Allah’s, after Allah there is no god, none can share with Him, the Kingdom is His and Praise is His and He is able to do anything. My Lord, I ask you for the best of this day and what follows it; please protect me from the evil of this day and what follows it. Lord, save me from laziness, senility, pride, and trials in life. Lord, protect me from the Punishment of the Fire and the trial and punishment of the tomb.”

Azhan Supplication:

The Messenger, may Allah venerate him, said: “Whoever hears the call to prayer and says (the following) my intercession will be his:

“Oh Lord of this complete invitation and commencing prayer, give our master Muhammad favor and the praised rank (of intercession) that you have promised him.”

Additional prayer supplications - Check your first 24 hours in Islam online for prayer details.

When standing to pray...

Immediately after starting the prayer with “Allah is Greater”:

“Oh Allah, distance me from my sins as you have distanced east from west.
Oh Allah, cleanse me from my sins as a white dress is cleansed from dirt.
Oh Allah, wash me from my sins with ice and cold water.”

“I directed my faith for He who created the heavens and earth, uprightly surrendering, and I am not among the unbelievers. Truly my prayer, my worship, my life and my death are for Allah, the Lord of the Worlds. He has no partner, and with this I was ordered and I am among the Muslims.”

And when bowed:

“Exalted, pure, Lord of the angels and the soul.”

“Oh Allah, for You I bowed and in You I believe, and to you I surrender. My hearing, my sight, my brain, my bones, and my nerves have humbled for You.”

Rising from bow:

“Our Lord, for You is all Praise, the fill of the heavens and the fill of the earth and the fill between them, after that the fill of whatever You will of things.”

Standing after bow:

“Oh Allah, our Lord praise is Yours the fill of the heavens and earth and thereafter the fill of what You will, You are the Owner of praise and glory. Rightly so is what the worshippers say and all of us are Your worshippers. There is none to prevent

what you have given and there is no giver for what you have prevented. And those of influence have no benefit with You.”

In Prostration:

“Oh Allah, I have prostrated to You in You I believe and to You I have surrendered. My face has prostrated to Whom created it and gave it features, and fashioned its hearing and sight. Blessed oh Allah the Best Creator.”

After Venerating the Prophet:

“Oh Allah, protect me from the punishment of the tomb, from the punishment of the fire, and from the trials of life and death, and from the trial of the Liar Antichrist.”

Before Concluding with Peace:

“Oh Allah, forgive what I have done and things yet to come. What I have kept secret and what I have shown and what I have wasted, and whatever else You know more than me. You are the Forwarder and the Delayer. There is no god except You.”

When standing Prayer in the middle of the Night:

“Oh Allah, our Lord, All Praise is Yours, you are the Protector of heaven and earth and what is in them, all praise is Yours, you are the Igniter of the heaven and earth and what is in them, All Praise is Yours, You are the Truth and Your promise is the truth and meeting You is the truth, and Your saying is the truth. And Paradise is the truth and the fire is the truth and the prophets are truth and Muhammad is truth and the Hour (of meeting You) is truth. Oh Allah to You I have surrendered and in You I have believed, upon You I have relied and You I have directed myself and for You I have argued and deserted others, to You I come to Judgment, so forgive me for what I have forwarded and what is yet to come, and from what I have kept secret and from what I have shown and whatever else You know more than me. You are the Forwarder and the Delayer, there is no god except You and other than You, there is no god.”

After the first Takbeer of the middle night prayer:

Oh Allah, Lord of angels Gabriel, Michael, and Israfeel, Fashioner of heavens and earth having the knowledge of the seen and unseen. You judge between Your worshippers in their differences, Guide me with Your Permission to the truth in what they differ, indeed You guide whosoever You will to a straight path.

“Oh Allah, make in my heart light, in my sight light, in my right side light, in my left side light, above me light, underneath me light, in front of me light, behind me light and make for me light.”

Before going to sleep:

“Oh Allah I surrender my soul to You and directed my face toward You I have trusted my affairs to You and rely on Your backing wanting and fearing You.

There is no escape or shelter from You but You. I believe in Your book that You have sent down and Your Prophet, whom You have sent.”

“With Your name I live and die.”

“Exaltation, Oh Allah my Lord, with You I lay down on my side, and with You I let it rise. If You hold onto my soul, forgive it, and if You release it protect it with what You protect Your good worshippers.”

Daily or Weekly Tomb Visitation:

“Peace be upon you, inhabitants of the dwellings, amongst believers and Muslims. We, if Allah wills will join you. We ask Allah relief for us and for you.”

On the Night of Honor:

“Oh Allah, You are a Pardoner, You love pardoning, so Pardon us.”

“Oh Allah choose for me, oh Allah select for me.”

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8/3/04

@*BOOK 28: "THEIR PATH:" WAHABIS = KHAWARIJ = QARNIYYUN =
DEVIL'S HORN

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8. We applaud former President Regan for his brave stand when he supported the Afghani Mujahidin not terrorists. Finally, the Mosque of the Internet applauds the following letter sent by the Churches (member Organizations) for Middle East Peace.

1. The Wahhabi Religious Cult by Muhammad bin Yahya Ninowy The needy to Allah's Mercy

Shaykh Muhammad bin Yahya Ninowy, the Mufti of this Muhammad.com said:

Many are misled to believe that Wahhabis or Wahhabism are Muslims. Appearing to follow the teachings of Islam and propagate it, Wahhabis have managed to deceive the world throughout the past few decades into believing that they represent the genuine Islamic faith. Even some knowledgeable figures in the Islamic world were fooled and often bribed to adopt Wahhabism instead of the pure Islamic faith.

Introduction

Wahhabism is a particularly austere and radical methodology that took Islam hostage, and hijacked its principles, in an attempt to mold it into its own version of so-called "Islam". Wahhabis camouflaged themselves through out their short history with the motto of "strictly adhering to the koran and the teaching of the Prophet".

Throughout its history, the Wahhabis have fiercely opposed anything they viewed as bida, an Arabic word for any change or modernization, whether it deviates or not with the fundamental teachings of the Koran.

The Purpose of this treatise is to refute this false claim of the Wahhabis, expose their true colors, unmask the deeply kept secrets of their belief, and draw a contrast between their religion and true Islam.

Wahhabism (a dictatorship backbone)

From its start, Wahhabism and Wahhabis were instrumental in creating the Saudi monarchy, and if sufficiently alienated, could tear it down.

For the Saudi ruling family, the Wahhabis form the sole and most vital base of legitimacy, as well as an unpredictable threat. Since King Abdel Aziz ibn Saud unified the country in 1932, the royal dynasty has had to balance the demands of modernization and the intolerance of the Wahhabis, whose antecedents were vital to the battles that established the kingdom.

Many in the kingdom view Muhammed bin Abd al-Wahhab (1703-87), the founder of the sect, as the co-founder of Saudi Arabia, and indeed the royal clan and the religious clan have long intermarried.

Abdul-Wahhab descendants continue to hold prominent positions in Saudi Arabia. Being a descendant of the founder naturally automatically means being a

religious zealot. Yet the descendants of the Prophet Muhammad, are distanced, terrorized and kept away from any public position!!!!!!

While the Saudi rulers essentially owe their power to the Wahhabis, the followers of Wahhabism have long been a fickle source of support, fiercely loyal as long as the royals followed Wahhabi ways, ready to turn when they did not.

Wahhabism (a mysterious start and a bloody history)

Muhammad ibn 'Abd al-Wahhab, the founder of the Wahhabi religious cult, was born in 'Uyaynah (Najd, now called Saudi Arabia) in 1703, as a young man traveled widely in other regions of the Middle East. It was upon his return to 'Uyaynah that he first began to preach his deviant views and reformation of the pure Islamic doctrine. His teaching was almost entirely derived from and influenced by that of the so-called "Hanbali" heretic philosopher Ahmad Ibn Taymiyyah, who had died in 1328.

When the preaching of his devious doctrines led to controversy, 'Abd al-Wahhab was expelled from 'Uyaynah in 1744. He then settled in Ad-Dir'iyah, capital of Ibn Sa'ud, a ruler of the Najd (now Saudi Arabia).

The British Empire blessed the Wahhabi ideology and supported its cause to fight Muslims in the region, change the ideology from Islamic to Wahhabi, and try to extinguish and weaken the Islamic State represented by the Ottoman Sultan in Istanbul. For obvious political and strategical motives, the British government supplied the Wahhabis with the necessary finances, weapons, and experts to ensure a successful mission. [refer to Hempher's memoirs; Confession of a British Spy]

The spread of Wahhabism originated from the alliance that was formed between 'Abd al-Wahhab and Ibn Sa'ud, who, by initiating a campaign of bloody and barbaric conquest that was continued by his heirs, made Wahhabism the dominant force in Arabia since 1800. By the end of the 18th century, they had brought all of Najd under their control, attacked Karbala', Iraq, and the great two holy cities of Islam, occupied Mecca and Medina in western Arabia. The blood and land hungry Wahhabis massacred massive masses of innocent Muslims in Iraq, Mecca and Madina, and utilized collective rape and theft as a weapon of war.

The Islamic State represented by the Ottoman sultan brought an end to the first Wahhabi empire in 1818, but the sect revived under the leadership of the Sa'udi Faysal I. The empire was then somewhat restored until once again destroyed at the end of the 19th century by the Rashidiyah of northern Arabia. The activities of Ibn Sa'ud in the 20th century eventually led to the creation of the Kingdom of Saudi Arabia in 1932.

Wahhabism (the Love-Hate relationship with the Jews)

Historically Arabs and Jews lived together in the Arabian desert, yet when Islam

flourished throughout the Arabian Peninsula, many Jews converted to Islam, and some left the peninsula and immigrated to other regions of the world. Most importantly, some Jews did not want to leave their land and belongings behind, yet they did not particularly enjoy seeing Islam flourishing and they wanted to help stop its fast spread. Their only means of causing any harm to Islam was to mask themselves as Muslims and work from within. The remainder of those Jewish tribes can be traced to [Najd] the area where Abdul Wahab came from. Those tribes, in cooperation with other forces such as atheists, Sun worshippers, Idol worshippers,.... etc. joined forces in conducting a long term covert operation style to unleash a multi-front multi-scale warfare against Islamic doctrine and teachings. Some of the intellectual means of that war was to attack and alter the most sensitive and most sacred core of Islam, that is its essential doctrine and creed represented by monotheism (Tawheed).

The seeds were planted and it was meticulously and brilliantly engineered so that those teachings and doctrine do not -at least superficially- contradict the pure Islamic doctrine and teachings. Moreover, the new doctrine was to appear as a call for a strict and absolute adherence to Islam, yet it essence it totally negates it.

Careful and expert examination of the so-called monotheism (Tawheed) presented by Wahhabis through out history up until today reveal an entirely different belief than that of the Koran, the Prophet, and Muslims. It actually seeks to negate it and invalidate it, causing those who believe it to unknowingly depart the circle of Islam (according to Islamic jurisprudence). It negates all and almost every important aspect of monotheism (Tawheed) that the Prophet of Islam struggled for years to implement.

Further careful examination reveals a distinguished pattern of similarity to the Torah, and the old Jewish view of monotheism. Furthermore, by going back to the Torah (the old testament) and reviewing the stated belief in God, one can come to the definitive realization of the source of the Wahhabi version of "Islamic" monotheism(Tawheed).

The Wahhabis along with the Saudi family, have exhausted their efforts in trying to upkeep and isolate all Jewish remains in the Arabian peninsula, while at the same time viciously destroying the remains of the early Islamic days and people, examples are demolishing of the graves of the Martyrs of Badr (the first battle of Islam), demolishing the remains of the houses of some of the companions of the Prophet, and destroying the signs and graves of the family of the Prophet. Yet all under the name of Islam!!!!

It is, however, imperative to understand, that the new Wahhabis nowadays –nor did the old ones- do not view themselves as the carriers of the Jewish articles of monotheism, nor that they do not present Islam. On the contrary, they see

themselves as the true Muslims, and do not account for any relationship to the non-Islamic “belief” heritage.

Yet, as questions about the source of the Wahhabi belief have been answered and definitive, questions that relate the origin of the Saudi family to the Jews of “Khaybar” and other various Jewish and atheist tribes have not yet been conclusive.

Wahhabism (exposing their core belief and deviant creed)

The Wahhabi creed as many facets where it negate Islam, the first and most important is in monotheism (Tawheed).

Wahhabis along with the Jews are pure ANTHROPOMORPHISTS. They deeply believe and propagate anthropomorphism, which in essence means to liken God to humans.

Wahhabis also believe that most Muslims nowadays are actually infidels, because the vast majority of Muslims follow the four known Sunni Schools of Jurisprudence (Fiqh), and their creed aligns with the pure Islamic creed not the Wahhabi one. Wahhabis claim that if you do not believe in the wahhabi articles of faith, then you automatically depart the circle of Islam.

How to identify and diagnose and Wahhabi (quick and hard facts)

Wahhabis believe that God is a body (as per Ibn Taymiyyah’s agreement) that resides in the 7th heaven, and sits on the chair of power that is called throne. Wahhabis also believe that God consists of real and true limbs, such as real and true fingers, hands, face, mouth, lips, teeth, eyes, ears, hips, legs, feet, etc.

Furthermore, Wahhabis believe that God comes and goes, descends to earth at night, and go back up in the morning!!! They also believe that Hell fire will not be full unless its filled with God’s foot!!!! It is an essential pillar to a Wahhabi that God resides in a specific place usually above. The examples are numerous, yet one should know, that Anthropomorphism is considered Blasphemy in Islam, and those who believe that God resides in a place, time applies to Him, and that He consists of real true limbs, and that He sits on the Throne, (the above list)...etc , are not Muslims according to the Koran, Prophet’s teachings, and the Islamic jurisprudence.

The fact is, likening God to humans, renders the Muslim a blasphemmer immediately.

IMPORTANT RULE:

Not all people who call themselves Wahhabis or even follow some Wahhabi School necessarily non-Muslims. Many people who follow them ignorantly, do not actually believe in all of the articles of Wahhabi faith, thus they could very well be Muslims.

Only those who believe in articles that contradict with and negate the Islamic

fundamentals of faith, depart the circle of Islam.

One should not forget that many ignorant Wahhabis have sincere and honest intentions towards Islam and Muslims. Yet ignorance has narrowed their minds, and debilitated their thinking.

How does Islam views Monotheism (the correct and pure Tawheed)

Islam is the Religion of all the Prophets of Allah starting with Adam and ending with Muhammad. In Arabic Islam means submission. To believe in the heart and declare with the tongue: "No one is God except Allah and Muhammad is the Messenger of Allah" is how one becomes Muslim. Utterance with the Two Professions (ashShahadatan) is required of the person who is not already a Muslim. A Muslim is a believer and a follower of Islam.

The First Profession (ash-Shahadah), i.e., "No one is God except Allah" means nothing deserves to be worshipped except Allah. "Allah" is the name of the Creator in Arabic which means "The One Who has the Godhood which is the power to create the entities."

The second Profession, i.e., "Muhammad is the Messenger of Allah" includes believing Muhammad was the last of the prophets, he was truthful in all he told about and conveyed from Allah (as were all the prophets before him), and the Creator gave us prophets and messengers (A 'prophet' is a man who receives the Revelation from Allah and conveys it to the people. A 'messenger' is a prophet who comes with some new laws. The prophet who is not a messenger follows the laws of the messenger who came before him. Every messenger is a prophet, but not every prophet is a messenger.) to guide us to worship Him correctly. A Muslim must believe in all the prophets and messengers.

The Two Professions are the essentials of belief in Islam; they are the foundation of the faith. The analogy of constructing a building is useful in explaining the importance of this basic belief. There will be no building without a concrete foundation. Likewise, there will be no benefit and fruitful results in the Hereafter without having the correct belief first.

This analogy illustrates the need to start from the beginning and build upward; before one can remain steadfast in the Religion one must have the proper belief. Muslims firmly believe only one Creator exists, His name is Allah, and Muhammad is His Prophet and Messenger. Knowledge and belief in this are the foundation of the faith, and all Muslims are united by this basic belief. The Muslim uses the mind as a guide because the mind and faith go hand-in-hand. Knowledge is essential since learning gives one strength and purpose.

The sound intellect and the explicit statements revealed to Prophet Muhammad affirm the belief in God, His existence, and His attributes. One must understand that Allah is not His attributes nor is He other than them. For example: One can say: "Allah has the attribute of power" but one cannot say: "Allah is power." God has no faults or weaknesses. He, the Exalted, is flawless. His attributes are without flaw and are unchanging. God does not resemble any of His (Note: The

word 'He' or 'His' when used in reference to Allah must not be understood to represent gender. Allah created male and female, and He does not resemble any of His creation.) creation. Intellectively, if Allah resembled any of His creation, He would be susceptible to the same things the creation are susceptible. If He were susceptible, as the creations are, He would be weak and created--as they are--and this is impossible. Allah is without shape, without form, and without limitations. He does not resemble anything man sees in the universe or anything he can imagine--since imagination is part of the creation.

Allah exists. Without comparing Allah to the creation one can use mental evidences to prove the existence of the Creator. When one sees a building, one knows there is a builder; when one sees a painting, one knows there is a painter; when one sees the creation, one knows there is a Creator. Allah is the Creator. Allah exists without a place because He always existed and He created all the places. Allah existed eternally and place did not, and Allah exists now as He has been, i.e., without residing in a place, whether this place is skies, Earth, Paradise, Hell, or any other place in the six directions. Allah does not change. Change is a sign of need and need is non-befitting to attribute to God. Allah is perfect. If something changes for the bad, it is no longer perfect, and if it changes for the good, it was not perfect to begin with. Therefore, Allah does not change. He is not in Heaven. He is not in everyone. He is not every where. He does not occupy a space now, He never did, and He never will. Allah exists without a place.

Allah is one; He is indivisible, i.e., He is not a body. Allah has no partner, no counterpart, no wife, no son. Intellectively, this is understood because if there were two partners and one partner willed for one thing to be and the other partner willed the opposite thing--we know opposites do not happen simultaneously--so the one who willed what did not occur is weak. Weakness is non-befitting to attribute to God; therefore, there is only one God. For the same reason, the Devil does not have control over God and evil occurs because Allah willed it. There is a wisdom behind everything--even if we do not know the wisdom--Allah knows.

Allah has no beginning to His existence. Anything that has a beginning is creation. Allah created every creation, every movement, every rest, every thought, every intention. To have a beginning is a sign of need, and Allah is not in need. Allah has no end to His existence. To have an end is weakness; the Creator is not weak.

Allah does not need any of His creation. To need something means to be unable to perform without it, and this is weakness. The Creator is not weak--it is impossible to be among His attributes. Allah has the attribute of power by which He affects the creation. He makes them exist and He annihilates them.

Allah has the attribute of Will. Whatever Allah willed to be shall be and whatever Allah did not will to be shall not be. Both good and evil happen according to God's will.

Allah has the attribute of knowledge. Allah knows everything: what has happened, what is happening, and what will happen. Allah hears all hearable things and Allah sees all seeable things without organs and without limitations. Man needs ears and air to transfer sound in order to hear and light in order to see. Allah does not need any of the creation. Allah, with His eternal kalam, orders the obligations, forbids the prohibitions, promises the reward of Paradise, and threatens the punishment of Hellfire without instruments, letters, languages, or sounds.

Allah has the attribute of life because he who is dead cannot be attributed with knowledge, will, power, and consequently, cannot create. Allah's life is not like ours. We need flesh, bones, blood, and spirit. Allah created all these; His life is not in need of any of them.

Allah created all the creation, and this includes the Religion of Islam--which is the only valid and true Religion. Islam began among humans with the first man, Adam, who was the first prophet and messenger, and Islam continued through many prophets, some of which were also messengers. All the prophets and messengers taught "No one is God except Allah" and to believe in and follow the prophet and messenger of their time. All the Prophets taught there is only one God, the aforementioned attributes of Allah, and the attributes of the prophets. They called the people to Islam, taught them how to worship Allah properly, and conveyed what Allah ordered and what Allah forbid. The prophets had miracles to support their claim of Prophethood and to prove to the people what they were teaching was the truth. Some of the rules changed from one messenger to another but the belief remained the same. The messengers came with new laws. For example: at the time of Adam, Muslims used to pray once per day. They were ordered to pray twice per day at the time of Prophet ^Isa. Now, according to the rules of the last Messenger--Prophet Muhammad--Muslims pray five times per day. In previous laws of the messengers, Muslims were ordered to pray in specific places. Now, in the rules revealed to Prophet Muhammad, Muslims are not required to pray in specific places.

Allah blessed the people with the prophets and messengers to guide them to obedience and warn them from disobedience. Muslims must believe in all the prophets and messengers because Allah blessed them all with Revelation and they conveyed this to their people, but now Muslims must follow the rules of the last Prophet and Messenger, Prophet Muhammad.

Allah ordered the Messengers to convey the laws, and they did. They taught by words and example. The prophets were attributed with truthfulness, trustworthiness, and intelligence. Consequently, lying, dishonesty, vileness,

stupidity, and dullness were impossible to be among their attributes. They were also attributed with impeccability of blasphemy (Blasphemy includes any belief, action, or saying which belittles Allah, His Books, His Messengers, His Angels, His Rites, the Ma'alim of His Religion, His Rules, His Promise, or His Threat.), the great sins (such as drinking alcohol and unjust killing), and abject small sins (such as stealing one grape).

Prophet Muhammad taught his Companions and those Companions taught their followers and so on until the knowledge of Islam reached the Muslims of the present day. The beliefs and teachings were passed from trustworthy Muslim ('Trustworthy' as defined by Islam means the Muslim who does not commit great sins, small sins in a way that they will be more than this good deeds, and does not behave in violation of the behavior of those who have his status.) to trustworthy Muslim with a chain of reliable relaters back to the Prophet. In Islam it is a great sin to judge without knowledge. If a Muslim does not know an answer to an Islamic inquiry he must not give his opinion or what he thinks the answer might be. Instead, he seeks the answer from someone more knowledgeable in the Religion who attained the knowledge in the aforementioned manner.

Since Allah created Adam, the first man, from soil of different colors and different textures, and all people are the descendants of Adam, this accounts for the various races and temperaments of people. Muslim men and women around the world of all ages, races, colors, nationalities, social backgrounds, economic status', languages, and political affiliations are united by their belief that there is only one God, His name is Allah, and Muhammad is His last Prophet and Messenger and by practicing the same rules of the Religion.

Islam is a belief system as well as a way of life. Only the Creator knows the limits, the weakness, and the vulnerability of all His creation, and He has provided rules for them that are fair and just. Allah knows what is good for His creation as well as what is harmful; He knows what is beneficial and what is detrimental.

Further Proof that God exists without a place (contrary to the Wahhabis)
The saying that Allah, ta^ala, exists without a place is the belief and the creed of the Messenger of Allah, sallallahu ^alayhi wa aalihi wa sallam, the Companions and those who graciously followed them, and it shall be until the Day of Judgment. The proof of this precious statement is what Allah said in the Koran, in Surat ash-Shura, ayah 11 which means: "There is nothing like Him and He has the attribute of Hearing and Seeing." This ayah absolutely and totally clears Allah of resembling the creation. It comprises that Allah, ta^ala, is different from the creations in the Self, Attributes, and Doings. Hence, it shows that Allah, ta^ala, exists without a place, because the one who exists in a place would, by nature, be composed of atoms, i.e., he would be a body, occupying a space, and Allah, ta^ala, is clear of occupying spaces.

Al-Bukhariyy, al-Bayhaqiyy and Ibn alJarud related that the Messenger of Allah, sallallahu ^alayhi wa aalihi wa sallam, said: "Allah existed eternally and there was nothing else." This hadith proves that Allah was alone in al-'azal, (the status of existence without a beginning,) i.e., before creating any of the creation. There was nothing with Him: no place, no space, no sky, no light, and no darkness. It is determined in the rules of the Religion and the judgments of the sound mind that Allah, the Exalted, does not change. Hence, it is impossible that after having been existing without a place, He would become in a place, because this is a development, and the development is a sign of needing others, and the one who needs others is not God.

Imam Abu Mansur al-Baghdadiyy related in his book, Al-Farqu Bayn alFiraq, that Imam ^Aliyy, Karramallahu wajhahu, said: "Allah existed eternally and there was no place, and He now is as He was, i.e., without a place."

Imam Abu Hanifah, who is one of the authorities of as-Salaf, said in his book Al-Fiqh alAbsat: "Allah existed eternally and there was no place. He existed before creating the creation. He existed, and there was no place, creation, or thing; and He is the Creator of everything."

Imam al-Hafidh al-Bayhaqiyy said in his book, Al-Asma'u was-Sifat, on page 400: "... What was mentioned towards the end of the hadith is an indication of denying Allah has a place and denying the slave is alike to Allah, wherever he was in proximity or remoteness. Allah, the Exalted, is adhDhahir--hence, it is valid to know about Him by proofs. Allah is al-Batin--hence, it is invalid that He would be in a place." He also said: "Some of our companions used as a proof to refute the place to Allah the saying of the Prophet, sallallahu ^alayhi wa aalihi wa sallam : 'You are adh-Dhahir and there is nothing above You, and You are al-Batin and there is nothing underneath You.' Therefore, if there is nothing above Him and nothing underneath Him, He is not in a place."

Imam Ahmad Ibn Salamah, Abu Ja^far atTahawiyy, who was born in the year 237 after Hijrah, wrote a book called Al-^Aqidah atTahawiyyah. He mentioned that the content of his book is an elucidation of the creed of Ahl asSunnah wal Jama^ah, which is the creed of Imam Abu Hanifah, who died in the year 150 after alHijrah, and his two companions, Imam Abu Yusuf al-Qadi and Imam Muhammad Ibn alHasan ash-Shaybaniyy and others. He said in his book: "Allah is supremely clear of all boundaries, extremes, sides, organs and instruments. The six directions do not contain Him--these are attributed to all created things." Such is the saying of Imam Abu Ja^far who is among the heads of as-Salaf. He explicitly stated that Allah is clear of being contained by the six directions. The six directions are above, below, in front of, behind, right, and left.

The linguist and scholar of hadith, Imam Muhammad Murtada az-Zabidiyy, narrated by a continuous chain from himself back to Imam Zayn al-^Abidin ^Aliyy Ibn al-Husayn Ibn ^Aliyy Ibn Abi Talib, (who was among the first of as-Salaf, who earned the title of as-Sajjad, i.e., the one who prays a lot), that Zayn al-^Abidin

said in his treatise as-Sahifah as-Sajjadiyyah about Allah: "O Allah, You are clear of all imperfection. You are Allah, the One Who no place contains You." He also said: "O Allah, You are clear of all imperfection. You are Allah, the One Who is not in boundaries."

In the explanation of al-Bukhariyy in the chapter on Al-Jihad, Hafidh Ibn Hajar said: "The fact that the two directions above and below are impossible to be attributes of Allah, does not necessitate that Allah would not be attributed with aboveness, because attributing aboveness to Allah is a matter of status and the impossibility lies in it being physical."

Imam Abul-Qasim ^Aliyy Ibnul-Hasan Ibn Hibatillah Ibn ^Asakir said in his ^Aqidah: "Allah existed before the creation. He does not have a before or an after, an above or a below, a right or a left, an in front of or a behind, a whole or a part. It must not be said when was He, where was He, or how was He. He exists without a place."

Know beyond doubt that the question 'how' does not apply to Allah, because this is a question about shapes, bodies, places, depths and dimensions; Allah is clear of all of that. Also be firm that it is invalid to say about Allah "... but we do not know how", because in essence, it falsely indicates that Allah has a color, shape, dimensions, body, place, but one is ignorant of the 'how' of it.

Imam al-Ghazaliyy said: " Allah, the Exalted, existed eternally and there was no place. He is not a body, jawhar (atom), or property, and He is not on a place or in a place."

All of these sayings show that attributing the sensuous physical aboveness and place to Allah is contrary to the Koran, the Hadith, the Ijma^, and the intellectual proof. The intellectual proof that Allah exists without a place lies in the fact that the one who is in a place would have an area, and the one who has an area is in need of it, and the one who needs others is not God. Moreover, as the mind determines that Allah existed without a place before creating places, the mind determines that after Allah created the places He still exists without a place.

The scholars like Imam Ahmad ar-Rifa^iyy determined that lifting the hands and the faces towards the sky when performing du^a (supplication) is because the heavens are the qiblah of du^a just as the Ka^bah is the qiblah of as-Salah. From the heavens, the mercies and blessings of Allah descend.

Hence, it is clear for the one who seeks the truth that the saying that Allah exists without a place is what complies with the Koran, the Hadith, the Ijma^, and the criteria of the sound intellect. Be firm and certain that before creating places, Allah Who created everything (places and others), existed without a place, and after creating places, He still exists without a place.

Since we have determined that the creed of the Muslims is that Allah exists

without a place and that the question 'how' does not apply to Allah, it is clear to us that al-[^]arsh (the throne) which is the biggest of the creations of Allah and the ceiling of Paradise, is not a place for Allah, the Exalted.

Imam Abu Mansur al-Baghdadiyy related that Imam [^]Aliyy Ibn Abi Talib, the fourth caliph, may Allah's peace be upon him, said:
which means: "Allah created al-[^]arsh as an indication of His Power and did not take it as a place for Himself".

Also, in his book, Al-Fiqh al-Absat, Imam Abu Hanifah said: "Allah existed eternally and there was no place; He existed before creating the creation. He existed and there was not a place, a creation or a thing; and He is the Creator of everything. He who says 'I do not know if my Lord is in the heavens or on the earth,' is a kafir. Also is a kafir whoever says that 'He is on al-[^]arsh, and I do not know whether al-[^]arsh is in the heaven or on the earth'."

Consequently, Imam Ahmad declared a kafir whomever says these last two phrases because they contain attributing a direction, boundary, and place to Allah. Everything which has a direction and boundary is by necessity in need of a Creator. Thus it is not the intention of Imam Abu Hanifah to prove that the heaven and al-[^]arsh are places for Allah, as those who liken Allah to the creation claim. This is by virtue of the aforementioned saying of the Imam: "Had He been in a place needing to sit and rest, then before creating al-[^]arsh where was Allah?", which is clear in negating that Allah has a direction or a place.

In his book, Ihya'u [^]Ulum ad-Din, Imam alGhazaliyy said: "... places do not contain Him, nor do the directions, earth, or heavens. He is attributed with an istiwa' over al-[^]arsh as He said in the Koran--with the meaning that He willed--and not as what people may delude. It is an istiwa' which is clear of touching, resting, holding, moving and containment. Al-[^]arsh does not carry Him, but rather al-[^]arsh and those that carry al-[^]arsh are all carried by Allah with His Power and are subjugated to Him.

He is above al-[^]arsh and above the heavens and above everything-- in status-- an aboveness that does not give Him proximity to al-[^]arsh or the heavens as it does not give Him farness from earth. He is higher in status than everything: higher in status than al-[^]arsh and the heavens, as He is higher in status than earth and the rest of the creation. "

Golden Rule:

Anthropomorphists (Al-Mushabbihah) are those who liken Allah to the creation; they believe Allah resembles the creation. They attribute to Allah places, directions, shapes, and bodies, and they try to camouflage it by saying: "However, we do not know how His place is, or how He is sitting, or how His face is, or how His shin is, or how his light is." All of that does not clear them of blasphemy.

Wahhabism (Under new management/ change of name)

In the late 20th century people have become more aware and alert to the false claims of the Wahhabis, and started to distinguish Muslims from Wahhabis.

Hence, in another effort to lure Muslims and others, Wahhabis ceased to use the name Wahhabis or Wahhabism, and started heavily propagating their cult as “Salafis” or Assalafiyyah. Many other new names have evolved meanwhile, such as Ahlul Hadeeth, Ahlul Koran was-Sunnah, Al Muwahhidoon, etc. These are all different names for the same poison.

Salafis is the one name that attracted people most since the word salafi in the Arabic language means "early Muslim", and in traditional Islamic scholarship means someone who died within the first three hundred years after the Prophet, including scholars such as Abu Hanifa, Malik, Shafi'i, and Ahmad ibn Hanbal. Anyone who died after this is one of the khalaf or "latter-day Muslims".

The “under new management” Wahhabi sect cunningly presented its basic claim and that is: “that the religion had not been properly understood by anyone since the Prophet (sallahu alayhi wa aalihi wa sallam) and the early Muslims—and, of course, themselves.

Wahhabism (the current Wahhabis and their ideology)

The new and nicely presented claim, along with new generations of Wahhabis that were raised to blindly believe in Wahhabism, young Wahhabi researchers found themselves out of publicity if they do not show a genuine interest in the Muslim population every where and present an ideology suited to the modern thinking while maintaining the core principles of the Wahhabi creed.

In terms of ideals, the new movement advocated a return to a shari'a-minded orthodoxy that would purify Islam from unwarranted accretions, the criteria for judging which would be the Koran and hadith. Now, these ideals are noble, and I don't think anyone would disagree with their importance. The only points of disagreement are how these objectives are to be defined, and how the program is to be carried out. As for its validity, one may note that the Salafi approach is an interpretation of the texts of the Koran and sunna, or rather a body of interpretation, and as such, those who advance its claims are subject to the same rigorous criteria of the Islamic sciences as anyone else who makes interpretive claims about the Koran and sunna; namely, they must show:

1. That their interpretations are acceptable in terms of Arabic language;
2. That they have exhaustive mastery of all the primary texts that relate to each question, and
3. That they have full familiarity of the methodology of *usul al-fiqh* or "fundamentals of jurisprudence" needed to comprehensively join between all the primary texts.

Only when one has these qualifications can one legitimately produce a valid interpretive claim about the texts, which is called *ijtihad* or "deduction of shari'a" from the primary sources. Without these qualifications, the most one can legitimately claim is to reproduce such an interpretive claim from someone who definitely has these qualifications; namely, one of those unanimously recognized by the Umma as such since the times of the true salaf, at their forefront the mujtahid Imams of the four madhhabs or "schools of jurisprudence".

What comes to many peoples minds these days when one says "Salafis" is bearded young men arguing about din. The basic hope of these youthful reformers seems to be that argument and conflict will eventually wear down any resistance or disagreement to their positions, these young men maybe misguided, and if they truly believe in resembling Allah to His creation, then they certainly depart Islam. Good and sincere intentions do not count, as one should learn and know, who he/she worships. Many young Wahhabis are misled to believe that they are right and are going to Heaven, while everybody else is going to Hellfire, and unless you follow their school, then you're deemed to perish.

The fact is that there is a large fictional element involved when someone comes to the Muslims and says, "No one has understood Islam properly except the Prophet (Allah bless him and give him peace) and early Muslims, and our sheikh". This is not valid, for the enduring works of first-rank Imams of hadith, jurisprudence, Koranic exegesis, and other shari'a disciplines impose upon Muslims the obligation to know and understand their work, in the same way that serious comprehension of any other scholarly field obliges one to have studied the works of its major scholars who have dealt with its issues and solved its questions. Without such study, one is doomed to repeat mistakes already made and rebutted in the past.

Most of us have acquaintances among this Umma who hardly acknowledge another scholar on the face of the earth besides the Imam of their madhhab, the Sheikh of their Islam, or some contemporary scholar or other. And this sort of enthusiasm is understandable, even acceptable (at a human level) in a non-scholar. But only to the degree that it does not become taassub or bigotry, meaning that one believes one may put down Muslims who follow other qualified scholars. At that point it is haram, because it is part of the sectarianism (*tafarruq*) among Muslims that Islam condemns.

When one gains Islamic knowledge and puts fiction aside, one sees that superlatives about particular scholars such as "the greatest" are untenable; that each of the four schools of classical Islamic jurisprudence has had many many luminaries. To imagine that all preceding scholarship should be evaluated in terms of this or that "Great Reformer" is to ready oneself for a big letdown, because intellectually it cannot be supported.

Wahhabism (their approach and sources compared with Sunni Muslims)
Away from the environment of accusations and noise, one can easily point out the intellectual differences between Ahlus Sunnah Wal Jam'a, and Wahhabis in their sources and approach in regards to the Koran, Hadith, and Scholars. In addition to the differences in the core essentials of belief, we can quickly enumerate some of the other aspects of conflict between Ahlus Sunnah and Wahhabis.

Where Ahlus Sunnah further differ with "Salafis/Wahhabis" is in the promotion by the latter of a handful of controversial scholars/philosophers as supposedly representing all of Islamic scholarship after the time of the true Salaf. They praise and advertise these controversial scholars over and above the established, non-controversial Ahlus Sunnah scholars of the intervening centuries. These few controversial scholars are:

- Ibn Taymiyya (a philosopher) and his student Ibn al-Qayyim
- Ibn 'Abd al-Wahhab and his Najdi epigones
- Bin Baz, bin Uthaymeen, Albani, and their propagandists
- People in the United States, such as Bilal Philips, Jamal Zarabozo, some of the faculty of the American Open University,

Umar Al-Ashqar, and lots of Mosques and Islamic centers across the United States.

The most definitive proof that the "Salafis/Wahhabis" are the most distant of people to the pious Salaf lies in the following five fundamental aspects of Salafi ideology:

- Anthropomorphism of Allah's attributes: affirming a place, direction, and corporeal limbs for Allah Almighty Who is far exalted above all of those;
- Disrespect of the Prophet, blessings and peace upon him;
- An amateurish, egalitarian approach to Koran and hadith (no need for scholars, or mastery of Arabic, or ijaza -- traditional accreditation, or the Islamic sciences);
- Hatred of the Four Sunni schools of Law (the Four madhahib), the Two Schools of doctrine (Ash'aris and Maturidis), and all the schools of self-purification (Tasawwuf);
- The practice of takfir: declaring other Muslims unbelievers.

Wahhabism (their spread in the Islamic world and in Europe and the United States)

The spread of Wahhabism was extremely limited in the other than Najd (eastern part of what is called now Saudi Arabia). Especially to countries like Egypt, Syria, and the north African Arab countries. Yet, in the past few decades, the Saudi government took a new measures in fighting Islam.

1- The oil rich kingdom imported intellectuals and scholars from all over the Islamic world, offered them safety and salary and exerted tremendous influence on them to adopt or at least move closer to the Wahhabi view. Those who didn't participate in the game were silenced.

2- The Wahhabi/Saudi money went to the old and classical centers that teach Muslim scholars and export them to the world, such as the Azhar University, the Islamic Faculty in Damascus, Schools in India, etc. The money was given to certain people who are the decision makers, knowingly or ignorantly, they have been successful in controlling a lot of what those schools had to offer and the quality of their graduates.

3- Wahhabis, established their own Universities, that attracted people from all over the world. Among the attractions are living close to the Holy cities, getting paid to study Islamic Jurisprudence(which is actually Wahhabi jurisprudence), etc.

These moves resulted in controlling the flow of true pious and traditional knowledgeable Sunni Scholars, and in effect, generated many Wahhabi leaders and exported them to the World.

Even though this resulted in reduced flow of Sunni Scholars, yet the damage was most seen in countries like the United States, where many of the Mosques were established initially by or with the financial and logistic help of the Wahhabis . If you visit most of the Mosques and Islamic centers in North America, you will find the books of the spiritual leader of Wahhabis, Ibn Taymiyyah and his derivatives every where!!!!

A word of Warning

From the preceding presentation of the "Salafi/Wahhabi" movement's deviant beliefs, insha Allah there should not remain even the slightest inkling of a doubt in the mind of the sincere reader about that movement's deviant nature and falsehood. It is only the ignorant, grossly biased, and dishonest sympathizers of the group that will maintain the view that the group's teachings and beliefs are in accordance with the Koran and Sunnah, since it has been clearly and decisively proven to be just the exact opposite.

END OF NINO'S WORK

2.A Demonstration that the Wahhabis are Khawarij (heretics of this era) taken from the book 'Ihya al-Maqbur' pages 59-60. by the late Muhaddith of the Age, the Faqeeh of the Era Imam Abu'l-Fayd Ahmad ibn Abi Abdallah al-Siddiq al-Ghumari al-Hasani, author of 143 books and the known scholar of Morocco, may Allah bless his soul.

As for the Qarniyyun (those of the Devil's Horn), their land has not been blessed by Allah with any wali or salih since the beginning of Islam down to the present day. Instead, he only gave it the Qarn al-Shaytan ['the Devil's Horn'], whose followers were the Khawarij of the thirteenth and subsequent Islamic centuries. So fear God, and do not be like he who is beguiled by them, and supports their corrupt sect and worthless opinion, and their state of misguidance which was explicitly described by the Prophet (upon whom be blessings and peace), who characterized them as the 'Dogs of the Fire' [kilab al-nar], and informed us that they are the 'worst of all who dwell beneath the sky', and that they 'swerve from the religion as an arrow swerves away from its target,' and that they mouth among the best of sayings in the form of their prattling about Tawhid, and implementing the Sunna, and combating bid'as - and yet, by Allah, they are drowning in bid'a; in fact, there is no bid'a worse than theirs, which causes them to 'swerve from the religion as an arrow swerves away from its target', in spite of their superficial efforts in worship and adherence to the religion. It is as the Prophet (upon whom be blessings and peace) declared: 'one of you would despise the prayer he says among them, and the fasting he completes with them; they recite Koran but it goes no further than their collarbones.'

It is for this reason that he refrained (upon him be blessings and peace) from making du'a for Najd in the way that he had prayed for the Yemen and for Syria, for he said: 'Allahumma bless us in our Yemen; bless us in our Syria' - and they said, 'And in our Najd, o Messenger of Allah?' (upon him be blessings and peace), but he repeated his prayer for the Yemen and for Syria; and they repeated their utterance; until he said, the second or the third time round, in order to explain why he would not pray for Najd:

'That is the place of earthquakes, and fitnas, and from it the Devil's Horn shall rise.' [Narrated by Bukhari.] And nothing has emerged from there to bring about earthquakes and fitnas in the religion like Muhammad ibn Abd al-Wahhab, who was astray and led others astray. Hence he was the Devil's Horn foretold by the Messenger (upon him be blessings and peace), and he abstained from offering prayer for Najd because of him, and because of the fitnas which would flow from his demonic da'wa. Whoever adheres to that da'wa has committed unambiguous kufr, and is destined for apostasy and 'swerving from the religion', as is visible in the case of the other mulhids [heretical unbelievers] of the age who are notorious for their ilhad, for in every case they began by holding fast to the sect of the Devil's Horn, as is well-known to scholars of experience and insight.

Wa-salla'Llahu 'ala sayyidina Muhammadin wa-'ala alihi wa-sahbihi kullama dhakaru a-dhakirun wa-ghafala 'an dhikrihi al-ghafilun.
wa'l-hamdu li'Llahi rabbi'l-'alamin"

So, what will happen to Islam if Wahabis of Saudi Arabia, Muslim Brotherhood (ikhwan) and Ben Laden's fanaticism go away?

3. A Warning to Muslims against the Bid'ahs preached by Muhammad Ibn 'Abdi-l-Wahhab By Shaykh Abdul Hadi Palazzi and Zubair Qamar

Praised by Allah, Lord of the worlds, and blessing and peace upon the best of His creatures, the Prophet Muhammad Ibn 'Abdi-Llah, upon his noble family, his pure wives, his purified Sahabahs and upon all those who follow his path till the Day of resurrection. This paper has been compiled by Shaykh Abdul Hadi Palazzi, Director of the Cultural Institute of the Italian Islamic Community and by Zubair Qamar as a mean to seek Allah's favor and as a warning against the founder of the heretic Wahhabi-Salafi cult and against the bid'ahs he preached. May Allah save this Ummah from bid'ahs and dalalah, and preserve us on the right path followed by Asyaduna al-akramin. Amin.

Rasul-Ullah (S) said: "Allahumma, bless Yemen, Allahumma, bless Sham." He was asked: "And what about Najd?" He answered: "From Najd Shaytan's horn will rise."

He (S) also said: "Beware of Shaykhu-n-Najdi, since he is Shaytan."

He (S) also said: "There will be people who come from the eastern side of Arabia who will recite Koran, but their recitation will not pass beyond their collarbones. They will go out of Islam as swiftly as the arrow goes through the prey. Their sign is shaving their heads."

Muhammad Ibn 'Abdi-l-Wahhab was a descendent of the Bani Tamim tribe and was born in the Uyaynah village (Najd) in 1111 H. (1699 M.). His father was a learnt Hanbali scholar, and sent him to study tafsir, fiqh and tasawwuf in Mecca, Medina, Baghdad, Basrah and Damascus, as well as in Iran and India. His attitude, from the beginning, was very much polemic, and he took active part in scholarly debates. During this period, he received the surname "Shaykhu-n-Najdi". He contacted many Shaykhs of tasawwuf, and tried his best to be appointed as a khalifah. This request of his, however, was not accepted, since the Shaykhs realized he was too much influenced by kibr and by the desire to become a leader.

At the age of thirty-two he came back to Najd and started working as a teacher for Bedouins; he also started exercising ijtiḥad, and accusing Sunni scholars and Ahlu-t-tasawwuf of bid'ahs. In 1143 H. (1730 M.) he met a leader of a gang of marauders called Muhammad Ibn Sa'ud, whose main activity was plundering travelers in the desert of Najd. Since most of those Bedouins living in Dar'iyyah were completely unlearned, Ibn 'Abdi-l-Wahhab could easily convict them of his theories; Ibn Sa'ud and him made an agreement, according to which the former was appointed as the "Amir", and the latter as the "Shaykh". The "Shaykh" declared he was ready to publish "fatwahs" where non-Wahhabi Muslims were described as apostates and idol-worshippers; this point of view obviously represented a sort of "religious justification" for Ibn Sa'ud's gang. They were not, anymore, robbers and criminals, but "mujahids", authorized to kill "kuffars", to

plunder their properties and to rape their women.

The "Shaykh" also appointed some "wakils" and send them to preach Wahhabism in Mecca, but scholars living in the Blessed City were ready in understanding how dangerous this doctrine was. Sayyid Ahmad Zayni Dahlan as-Shafi' (D) was the Chief Mufti of Mecca. In wrote in the book "Al-Futuhatu-l-Islamiyyah":

"To deceive the 'ulemas in Mecca and Medina, those people sent emissaries in al-Haramayn, but these missionaries were not able to answer questions asked by Sunni scholars. It became evident that they were ignorant bid'ah holders. Muftis of the four madhabs wrote a fatwah that declared them kuffars, and this document was distributed in the whole Jazirah. The Amir of Mecca, Sharif Mas'ud Ibn Sa'id, ordered that the Wahhabis should be imprisoned. Some Wahhabis fled to Dar'iyah and informed their leader of what was happening."

Muhammad Ibn 'Abdi-l-Wahhab's brother, Sulayman Ibn 'Abdi-l-Wahhab (D), studied his works and tried his best to invite him to tawbah. At least, when he realized verbal admonitions had no effect, decided to write a book called "As-Sawa'iqu-l-Ilahiyyah fi-r-Raddi 'ala-l-Wahhabiyyah". It contains a detailed refutation of his brother's heresies, and states:

"One of the dalils showing that your path is heretic is the hadith sharif narrated by 'Uqbah Ibn Amir and collected in the Sahihayn [Bukhari and Muslim]: 'Rasul-Ullah (S) ascended the minbar, and it was the last time I saw him on the minbar. He said: 'I do not fear that you will become mushrikuns after me, but I fear that, because of worldly interests, you will fight each others, and thus be destroyed like the peoples of old.'

The Messenger of Allah (S) foretold all that would happen to his Ummah until the end of the world. This hadith sharif shows that he was certain of the fact that this Ummah will never worship idols. By saying so, he destroys Wahhabism from its roots, since Wahhabi books say that Ummah al-Muhammadiyyah is involved in polytheism, that Muslim countries are full of idols, and that Muslim graves are houses of shirk. They also claim that someone who does not accept to consider mushrikuns those who ask for intercession by the graves is himself a kafir. On the contrary, Muslims have been visiting graves and asking for the intercession of awliyas for centuries. No Islamic scholar has even called such Muslims mushrikuns.

"My brother asks: 'A hadith sharif says: "Of all that will befall you, shirk is what I fear more." Is not this a dalil of the fact that a part of this Ummah will be engaged in shirk?'

"I say: It is inferred by many other hadiths that this hadith refers to shirku-l-asghar. There are similar hadiths, narrated by Shaddad Ibn 'Aws, Abu Hurayrah and Mahmud Ibn Labid (may Allah be pleased with all of them), according to which the Prophet (S) feared that shirku-l-asghar would be committed by his Ummah. It has exactly happened as it was foretold in the hadith, and many Muslims are guilty of shirku-l-asghar. But you, in your ignorance, confuse shirku-l-asghar with shirku-l-akbar, and the tragic consequence of this mistake of yours is that you regard as 'unbelievers' those Muslims that do not accept to call other

Muslims 'unbelievers'."

Another contemporary scholar, Muhammad Ibn Sulayman Effendi (D) wrote: "O Muhammad Ibn 'Abdi-l-Wahhab, do not slander Muslims! I admonish you for Allah's sake! Does anyone of them says that there is a creator besides Allah? If you have anything to argue against Muslims, please, show them authoritative dalils. It is more correct to call you, a single person, 'kafir', than calling millions of Muslims 'kuffars'. Ayah 114 of Surah an-Nisa' says: 'If anyone contends with the Messenger after guidance has been plainly conveyed to him, and follows a path other than the one followed by Believers, we shall leave him in the path he has chosen, and land him in Jahannam, quite an evil refuge!' This ayah points to the situation of those who have departed from Ahlu-s-Sunnah wa-l-Jam'ah."

When the order from the Amir of Mecca reached the Khalifah in Istanbul, he ordered Muhammad 'Ali Pashah (D), governor of Egypt to move to Najd and to stop the Wahhabi fitnah. The marauders of Ibn Sa'ud tied to attack Mecca and fought against mujahids, but Allah gave the victory to the Islamic army.

Muhammad Ibn 'Abdi-l-Wahhab was captured and sent in chains to Istanbul. A Shari'ah court found him guilty of homicide, marauding and rebellion, while Muftis of the four madhhabs declared him to be a kafir and murtaddid. Finally, after having caused so much danger for this Ummah, he was executed in 1206 H (1792 M). Since he refuted to make tawbah and to come back to Islam, his corpse was not permitted to be interred in a Muslim cemetery, and was burnt.

Among Sunni 'uleams who refuted Wahhabism we must also mention Sayyed Dawud Ibn Sulayman, Mawlana Khalid al-Baghdadi, Sun' Allah al-Halabi al-Makki al-Hanafi, Muhammad Ma'sum as-Sarhindi, Muhammad Ibn Sulayman al-Madani ash-Shaf'i, may Allah be pleased with all of them. The latter was the Shaf'i Mufti of Medina, and was asked to write a fatwah against Muhammad Ibn 'Abdi-l-Wahhab. This fatwah is quoted in the book "Ashaddu-l-Jihad" and says:

"This man is leading the ignoramuses of the present age to a heretical path. He is trying to extinguish Allah's light, but Allah will not permit His light to be extinguished, in spite of the opposition of mushrikuns, and will enlighten every place with the light of Ahlu-s-Sunnah."

As-Sayyid 'Abdur-Rahman al-Ahdal (D), the Mufti of Zabid, said, "...in refuting them [the Wahhabis], it is sufficient to mention the hadith of the Prophet (S):

'Their sign is shaving their heads', since no other innovators had ever done it."

The Wahhabis also call themselves the "Salafis," believing that they follow the footsteps of the pious Salaf, i.e. the Sahabahs, the Tabi'un, and Atba'u-t-Tabi'in.

The Wahhabis, however, have a route of knowledge that traces back to Muhammad Ibn 'Abdi-l-Wahhab, the founder of the Wahhabi movement, who lived in the 1700's M., and before him to Ibn Taymiyyah, another heretic who lived in the late 1200's to early 1300's M. Their route of knowledge does not trace back to the time of the Prophet Muhammad (S) or his pious followers whom he praised. The Wahhabis, therefore, cannot be "al-Firqatu-l-Najdiyyah", or the Saved Sect, but are one of the other 72 deviant sects within the Ummah, which the Prophet (S) dispraised and warned us about.

As the British saw in Ahmad Mirza Qadiyani an instrument to divide Muslims in India during the 1800s, a similar instrument was seen by the British in

Muhammad Ibn 'Abdi-l-Wahhab to fulfill the same purpose. Ahmad Mirza Qadiyani was used to abolish the concept of Jihad to prevent Muslim opposition against British colonialism, while Muhammad Ibn 'Abdi-l-Wahhab was used by the British to divide the Muslims in the name of Jihad against the Muslims residing in the Arabian peninsula by way of the sword.

In many of his "fatwahs," Muhammad Ibn 'Abdi-l-Wahhab labeled Muslims as "kuffars" if they did not agree to his heretical teachings, which opposed the orthodox Islamic beliefs that Muslims had been adhering to for over a thousand years. When the Sunni Muslims disagreed with the newly formulated Wahhabi cult, the blood of countless Muslims, including plenty of scholars of Ahlu-s-Sunnah, was made halal by the command of Muhammad Ibn 'Abdi-l-Wahhab. Although thousands of Muslims were massacred by the deviant Wahhabis, the scholars of Ahlu-s-Sunnah continued to refute them in their books. An example is what the Mufti of Mecca, Ahmad Zayni Dahlan al-Makki ash-Shafi'i (D) wrote in a work titled "Fitnatu-l-Wahhabiyyah", stating:

"In 1217 H. they [the Wahhabis] marched with big armies to the area of at-Tayf. In Dhu-l-Qa'dah of the same year, they lay siege to the area the Muslims were, subdued them, and killed the people: men, women, and children. They also looted the Muslims belongings and possessions. Only a few people escaped their barbarism."

"They [the Wahhabis] plundered what was in the room of the Prophet (S), took all the money that was there, and did some disgraceful acts."

"In 1220 H. they [the Wahhabis] lay siege to Mecca and then surrounded it from all directions to tighten this siege. They blocked the routes to the city and prevented supplies from reaching there. It was a great hardship on the people of Mecca.

Food became exorbitantly expensive and then unavailable. They resorted to eating dogs."

What better person could the British have used to fulfill their motto, i.e. "divide and conquer?" The British were laughing at Muhammad Ibn 'Abdi-l-Wahhab and his followers for plundering, looting, and killing Muslims in the name of Islam, causing Muslims in Mecca to resort to eating dogs, in addition to fighting Muslim armies sent by the Ottomans, e.g. Muhammad 'Ali Pashah (D) of Egypt and his army.

This was indeed a fulfillment of the interests of the British, as well as entertainment for them. Contemporary members of the Sa'ud house are descendants of Muhammad Ibn Sa'ud, the heretic who collaborated with Muhammad Ibn 'Abdi-l-Wahhab, to cause a Muslim bloodbath in the name of "Jihad." Their monarchy has existed since the Wahhabi movement originated, and they continue to raise the Dajjal's banner to this very day. They have destroyed the maqams of our four Imams around al-Ka'bah, and identifying the place where the imam of salatu-l-jama'at must stand in Masjidu-l-Haram is today quite difficult. The sanctity of al-Haram is profaned five times each day, since the Wahhabi "imams" stand too close to al-Ka'bah, in a place that is not justified in the light of fiqh.

The discovery of oil in Saudi Arabia in the 1930's has enabled the Saudi-Wahhabi kingdom to become rich, and their leaders have used their wealth to disseminate the Wahhabi doctrine all across the globe. They have built printing presses in Egypt, Syria, and even the United States to print beautiful books to attract the laypeople so that they may fall into their trap. The problem is that many new and naive Muslims are falling into the Wahhabi trap, and are propagating their false doctrine in Muslim Student Organizations, universities, and mosques – especially in the East Coast of the United States.

The Wahhabis are known for parroting the slogan of "Koran and Sunnah," without any profound understanding of the two sources of Islam, and are known for slandering scholars of Ahlu-s-Sunnah like Imams Suyuti, Imam Abu Hamid Ghazali, Imam Nawawi, (D) among others. The great Hanafi scholar, Imam Muhammad Amin Ibn Abidin (D), stated that the Wahhabis of today are reviving the creed of the Khawarij of the past. It is also known that the Khawarij wrongly understand the meanings of ayahs in the Koran and falsely attribute ayahs meant for non-Muslims to Muslims.

The Wahhabis are notorious for reviving this Kharijite practice. Moreover, the Wahhabis have a passion for trying to find faults among the mujtahids such as the noble Imam Abu Hanifah, Imam Shafi'i, Imam Malik, and Imam Ahmad Ibn Hanbal. They try to find faults in their methodologies, while they do not possess a methodology of their own. Hence, Wahhabi "scholars" who have graduated from Wahhabi universities in Saudi Arabia are never taught a methodology to enable them to understand the Koran and Sunnah. This is why they are in a constant state of self-contradiction, confusion, and fitnah among the Muslim population.

It is the scholars of Ahlu-s-Sunnah wa-l-Jam'ah who must awaken the Muslims and warn them by bidding the lawful and forbidding the unlawful Wahhabi doctrine by efficient means of da'wah. An anti-Wahhabi campaign must be formulated and strengthened to defend the Ash'ari and Maturidi creeds, the Hanafi, Shafi'i, Maliki, and Hanbali madhhabs, and the numerous tariqahs of tasawwuf, of which the majority of Muslim scholars have been a part of.

And all praise is for Allah, Lord of the worlds.

W A R N I N G

Wahhabis today call themselves "Salafis," in an attempt to confuse the Muslim masses that they adhere to the methodology of the pious Salaf, or predecessors, i.e the Sahabahs, the Tabi'un, and Itba'u-t-Tabi'in. For example, some of the true Salaf applied ta'wil, or figurative interpretation, to Allah's Attributes. Imam Bukhari gave a figurative interpretation of wajh to mean

"Allah's Dominion," in Suratu-l-Qasas, ayah 88. This can be found in the Sahih of Bukhari in the Chapter "Tafsir ul-Koran."

Plenty of other examples exist of how the Wahhabi-Salafis oppose the practices of the true and pious Salaf.

The following writers are representatives of this cult. Their followers call them "Shaykhs", and Muslims must stay away from their books, papers and Web pages, and do not confuse them with real Sunni scholars:

1. Yusuf al-Qaradawi al-Misri (the one who says that salah in al-Aqsa is "haram". He unites the errors of Wahhabis and the errors of Ikhwanis in a new form of heresy).
2. Abdu-l-'Aziz Ibn Baz (the deceased official "Mufti" of the Saudi regime and their Rabitah, who oppressed Ahlu-s-Sunnah in al-Haramayn).
3. Muhammad Nasiru-d-Din al-Albani (a recently disappeared pseudo-muhaddith from Albania who classified hadiths according to his unlimited fantasy and forbade women to wear golden ornament).
4. Abu Aminah Bilal Philips (a ultra-Wahhabi from Jamaica who forges claims in the history of fiqh, full of slanders and absurd accusations against Ahlu-s-Sunnah).
5. Muhammad Nubar Yahya Silmy (a propagandist of Wahhabism in Sri Lanka who is very much hostile to the Sunni 'aqidah).
6. Abu Bilal Mustafah al-Kanadi.
7. Muhammad Saleh.
8. Hamza Massimiliano Boccolini (a Wahhabi who lives in Naples and is exhorted to accept rahmah from Allah by tawbah and study of Sunnah)
9. 'Abdur-Rahman Rosario Pasquini (an Ikhwani propagandist in Milano who, because of senescence, supports linguistic bid'at like "Allah is unipersonal" - sic! - "Muslims are islamocratics", wa na'udhu bi-Llah, afala yatadhakkarun)

The Solution

Eliminating the spread the extremism and the radical Wahhabi faith should proceed through preventive and counteracting measures.

Counteracting measures consist of a solid and a bold move by the Muslims scholars and qualified individuals of various schools to pinpoint and diagnose Wahhabism. Then to expose their trickery and deceiving techniques, and to unmask their true colors and show their real faith.

Preventive measures can be divided into two steps:

- 1- to educate the Muslims on local levels and teach them the correct and pure monotheism (Tawheed) and the obligatory portion of religious information and to increase their awareness and alertness levels
- 2- to establish a peaceful dialogue with Wahhabis, individuals and leaders based on sciences of the Koran, Sunnah, and linguistics in an attempt to win them over to the front of pure Islam.

Finally, I pray that God forgives our mistakes, eases our difficulties, and shower us with His blessings. Ameen.

Shaykh Ahmad Darwish said: By the way, Wahabi tried to say the Najid in hadith is in Iraq, this study below shows they are dead wrong, in another word as Americans say (On my ! Pardon me) or eat your heart or make tawbah.

4. PUNCTURING THE DEVIL'S DREAM ABOUT THE HADITHS OF NAJD AND TAMIM by Kerim Fenari

Bismi'Llahi'r-Rahmani'r-Rahim

It is striking that not one of the great muhaddiths, mufassirs, grammarians, historians, or legists of Islam has emerged from the region known as Najd, despite the extraordinary and blessed profusion of such people in other Muslim lands. This essay offers to Muslims with open minds an explanation of this remarkable fact.

The Hadith of Najd: a correction

The land of Najd, which for two centuries has been the crucible of the Wahhabi doctrine, is the subject of a body of interesting hadiths and early narrations, which repay close analysis. Among the best-known of these hadiths is the relation of Imam al-Bukhari in which Ibn Umar said: 'The Prophet (Allah bless him and give him peace) mentioned: "O Allah, give us baraka in our Syria, O Allah, give us baraka in our Yemen." They said: "And in our Najd?" and he said: "O Allah, give us baraka in our Syria, O Allah, give us baraka in our Yemen." They said: "And in our Najd?" and I believe that he said the third time: "In that place are earthquakes, and seditions, and in that place shall rise the devil's horn [qarn al-shaytan]."'

This hadith is clearly unpalatable to the Najdites themselves, some of whom to this day strive to persuade Muslims from more reputable districts that the hadith does not mean what it clearly says. One device used by such apologists is to utilise a definition that includes Iraq in the frontiers of Najd. By this manoeuvre, the Najdis draw the conclusion that the part of Najd, which is condemned so strongly in this hadith, is in fact Iraq, and that Najd proper is excluded. Medieval Islamic geographers contest this inherently strange thesis (see for instance Ibn Khurradadhib, *al-Masalik wa'l-mamalik* [Leiden, 1887], 125; Ibn Hawqal, *Kitab Surat al-ard* [Beirut, 1968], 18); and limit the northern extent of Najd at Wadi al-Rumma, or to the deserts to the south of al-Mada'in. There is no indication that the places in which the second wave of sedition arose, such as Kufa and Basra, were associated in the mind of the first Muslims with the term 'Najd'. On the contrary, these places are in every case identified as lying within the land of Iraq.

The evasion of this early understanding of the term in order to exclude Najd, as usually understood, from the purport of the hadith of Najd, has required considerable ingenuity from pro-Najdi writers in the present day. Some apologists attempt to conflate this hadith with a group of other hadiths which associate the 'devil's horn' with 'the East', which is supposedly a generic reference to Iraq.

While it is true that some late-medieval commentaries also incline to this view, modern geographical knowledge clearly rules it out. Even the briefest glimpse at a modern atlas will show that a straight line drawn to the east of al-Madina al-Munawwara does not pass anywhere near Iraq, but passes some distance to the south of Riyadh; that is to say, through the exact centre of Najd.

The hadiths which speak of 'the East' in this context hence support the view that Najd is indicated, not Iraq.

On occasion the pro-Najdi apologists also cite the etymological sense of the Arabic word najd, which means 'high ground'. Again, a brief consultation of an atlas resolves this matter decisively. With the exception of present-day northern Iraq, which was not considered part of Iraq by any Muslim until the present century (it was called 'al-Jazira'), Iraq is notably flat and low-lying, much of it even today being marshland, while the remainder, up to and well to the north of Baghdad, is flat, low desert or agricultural land. Najd, by contrast, is mostly plateau, culminating in peaks such as Jabal Tayyi' (1300 metres), in the Jabal Shammar range.

It is hard to see how the Arabs could have routinely applied a topographic term meaning 'upland' to the flat terrain of southern Iraq (the same territory which proved so suitable for tank warfare during the 'Gulf War', that notorious source of dispute between Riyadh's 'Cavaliers' and 'Roundheads').

Confirmation of this identification is easily located in the hadith literature, which contains numerous references to Najd, all of which clearly denote Central Arabia. To take a few examples out of many dozens: there is the hadith narrated by Abu Daud (Salat al-Safar, 15), which runs: 'We went out to Najd with Allah's Messenger (Allah bless him and give him peace) until we arrived at Dhat al-Riq'a, where he met a group from Ghatafan [a Najdite tribe]. In Tirmidhi (Hajj, 57), there is the record of an encounter between the Messenger (Allah bless him and give him peace) and a Najdi delegation which he received at Arafah (see also Ibn Maja, Manasik, 57). In no such case does the Sunna indicate that Iraq was somehow included in the Prophetic definition of 'Najd'.

Further evidence can be cited from the cluster of hadiths which identify the miqat points for pilgrims. In a hadith narrated by Imam Nasa'i (Manasik al-Hajj, 22), 'A'isha (r.a.) declared that 'Allah's Messenger (Allah bless him and give him peace) established the miqat for the people of Madina at Dhu'l-Hulayfa, for the people of Syria and Egypt at al-Juhfa, for the people of Iraq at Dhat Irq, and for the people of Najd at Qarn, and for the Yemenis at Yalamlam.' Imam Muslim (Hajj, 2) narrates a similar hadith: 'for the people of Madina it is Dhu'l-Hulayfa - while on the other road it is al-Juhfa - for the people of Iraq it is Dhat Irq, for the people of Najd it is Qarn, and for the people of Yemen it is Yalamlam.'

These texts constitute unarguable proof that the Prophet (Allah bless him and give him peace) distinguished between Najd and Iraq, so much so that he appointed two separate miqat points for the inhabitants of each. For him, clearly, Najd did not include Iraq.

Najd in the Hadith Literature There are many hadiths in which the Messenger (Allah bless him and give him peace) praised particular lands. It is significant that although Najd is the closest of lands to Makka and Madina, it is not praised by any one of these hadiths. The first hadith cited above shows the Messenger's willingness to pray for Syria and Yemen, and his insistent refusal to pray for Najd. And wherever Najd is mentioned, it is clearly seen as a problematic territory. Consider, for instance, the following noble hadith:

Amr ibn Abasa said: 'Allah's Messenger (Allah bless him and give him peace) was one day reviewing the horses, in the company of Uyayna ibn Hisn ibn Badr al-Fazari. [...] Uyayna remarked: "The best of men are those who bear their swords on their shoulders, and carry their lances in the woven stocks of their horses, wearing cloaks, and are the people of the Najd." But Allah's Messenger (Allah bless him and give him peace) replied: "You lie! Rather, the best of men are the men of the Yemen. Faith is a Yemeni, the Yemen of [the tribes of] Lakhm and Judham and Amila. [...] Hadramawt is better than the tribe of Harith; one tribe is better than another; another is worse [...] My Lord commanded me to curse Quraysh, and I cursed them, but he then commanded me to bless them twice, and I did so [...] Aslam and Ghifar, and their associates of Juhaina, are better than Asad and Tamim and Ghatafan and Hawazin, in the sight of Allah on the Day of Rising. [...] The most numerous tribe in the Garden shall be [the Yemeni tribes of] Madhhij and Ma'kul.' (Ahmad ibn Hanbal and al-Tabarani, by sound narrators. Cited in Ali ibn Abu Bakr al-Haythami, *Majma' al-zawa'id wa manba' al-fawa'id* [Cairo, 1352], X, 43).

The Messenger says 'You lie!' to a man who praises Najd. Nowhere does he extol Najd - quite the contrary. But other hadiths in praise of other lands abound. For instance:

Umm Salama narrated that Allah's Messenger (Allah bless him and give him peace) gave the following counsel on his deathbed: 'By Allah, I adjure you by Him, concerning the Egyptians, for you shall be victorious over them, and they will be a support for you and helpers in Allah's path.' (Tabarani, classed by al-Haythami as sahih [*Majma'*, X, 63].) (For more on the merit of the Egyptians see *Sahih Muslim*, commentary by Imam al-Nawawi [Cairo, 1347], XVI, 96-7.)

Qays ibn Sa'd narrated that Allah's Messenger (Allah bless him and give him peace) said: 'Were faith to be suspended from the Pleiades, men from the sons of Faris [south-central Iran] would reach it.' (Narrated in the *Musnads* of both Abu Ya'la and al-Bazzar, classified as *Sahih* by al-Haythami. *Majma'*, X, 64-5. See further Nawawi's commentary to *Sahih Muslim*, XVI, 100.)

Allah's Messenger said: 'Tranquillity (sakina) is in the people of the Hijaz.' (al-Bazzar, cited in Haythami, X, 53.)

On the authority of Abu'l-Darda (r.a.), the Messenger of Allah (Allah bless him and give him peace) said: 'You will find armies. An army in Syria, in Egypt, in Iraq and in the Yemen.' (Bazzar and Tabarani, classified as sahih: al-Haythami, Majma', X, 58.) This constitutes praise for these lands as homes of jihad volunteers.'

The angels of the All-Compassionate spread their wings over Syria.' (Tabarani, classed as sahih: Majma', X, 60. See also Tirmidhi, commentary of Imam Muhammad ibn Abd al-Rahman al-Mubarakfuri: Tuhfat al-Ahwadhi bi-sharh Jami' al-Tirmidhi, X, 454; who confirms it as hasan sahih.)

Abu Hurayra narrated that Allah's Messenger (s) said: 'The people of Yemen have come to you. They are tenderer of heart, and more delicate of soul. Faith is a Yemeni, and wisdom is a Yemeni.' (Tirmidhi, Fi fadl al-Yaman, no.4028. Mubarakfuri, X, 435, 437 hadith hasan sahih. On page 436 Imam Mubarakfuri points out that the ancestors of the Ansar were from the Yemen.)'

The people of the Yemen are the best people on earth'. (Abu Ya'la and Bazzar, classified as sahih. Haythami, X, 54-5.)

Allah's Messenger (s) sent a man to one of the clans of the Arabs, but they insulted and beat him. He came to Allah's Messenger (Allah bless him and give him peace) and told him what had occurred. And the Messenger (s) said, 'Had you gone to the people of Oman, they would not have insulted or beaten you.' (Muslim, Fada'il al-Sahaba, 57. See Nawawi's commentary, XVI, 98 'this indicates praise for them, and their merit.')

The above hadiths are culled from a substantial corpus of material which records the Messenger (Allah bless him and give him peace) praising neighbouring regions. Again, it is striking that although Najd was closer than any other, hadiths in praise of it are completely absent.

This fact is generally known, although not publicised, by Najdites themselves. It is clear that if there existed a single hadith that names and praises Najd, they would let the Umma know. In an attempt to circumvent or neutralise the explicit and implicit Prophetic condemnation of their province, some refuse to consider that the territorial hadiths might be in any way worthy of attention, and focus their comments on the tribal groupings who dwell in Najd.

The Tribe of Tamim

The best-known tribe of Central Arabia are the Banu Tamim. There are hadiths which praise virtually all of the major Arab tribal groups, and to indicate the extent of this praise a few examples are listed here:

Allah's Messenger (s) said: 'O Allah, bless [the tribe of] Ahmas and its horses and its men sevenfold.' (Ibn Hanbal, in Haythami, Majma', X, 49. According to al-Haythami its narrators are all trustworthy.)

Ghalib b. Abjur said: 'I mentioned Qays in the presence of Allah's Messenger (s) and he said, "May Allah show His mercy to Qays." He was asked, "O Messenger of God! Are you asking for His mercy for Qays?" and he replied, "Yes. He followed the religion of our father Ismail b. Ibrahim, Allah's Friend. Qays! Salute our Yemen! Yemen! Salute our Qays! Qays are Allah's cavalry upon the earth."' (Tabarani, declared sahih by al-Haythami, X, 49.)

Abu Hurayra narrated that Allah's Messenger (s) said: 'How excellent a people are Azd, sweet-mouthed, honouring their vows, and pure of heart!' (Ibn Hanbal via a good (hasan) isnad, according to Haythami, X, 49.)

Anas b. Malik said: 'If we are not from Azd, we are not from the human race.' (Tirmidhi, Manaqib, 72; confirmed by Mubarakfuri, X, 439 as hasan gharib sahih.)

Abdallah ibn Mas'ud said: 'I witnessed Allah's Messenger (Allah bless him and give him peace) praying for this clan of Nakh'. Or he said: 'He praised them until I wished that I was one of them.' (Ibn Hanbal, with a sound isnad. Haythami, X, 51.)

On the authority of Abdallah ibn Amr ibn al-As, who said: 'I heard Allah's Messenger (Allah bless him and give him peace) saying: "This command [the Caliphate] shall be in Quraysh. No-one shall oppose them without being cast down on his face by Allah, for as long as they establish the religion."' (Bukhari, Manaqib, 2.)

The hadith which appears to praise Tamim is hence not exceptional, and can by no stretch of the imagination be employed to indicate Tamim's superiority over other tribes. In fact, out of this vast literature on the merits of the tribes, only one significant account praises Tamim. This runs as follows: Abu Hurayra said: 'I have continued to love Banu Tamim after I heard three things concerning them from Allah's Messenger (s.w.s.). "They will be the sternest of my Umma against the Dajjal; one of them was a captive owned by 'A'isha, and he said: 'Free her, for she is a descendent of Ismail;' and when their zakat came, he said: 'This is the zakat of a people,' or 'of my people'." (Bukhari, Maghazi, 68.)

This hadith clearly indicates that the rigour of the Tamimites will be used for, and not against, Islam in the final culminating battle against the Dajjal; and this is unquestionably a merit. The second point is less significant, since all the Arabs

are descendents of Ismail; while the variant readings of the third point make it difficult to establish its significance in an unambiguous way. Even the most positive interpretation, however, allows us to conclude no more than that the Messenger (Allah bless him and give him peace) was pleased with that tribe at the moment it paid its zakat. As we shall see, its payment of zakat proved to be short-lived.

Far more numerous are the hadiths which explicitly critique the Tamimites. These hadiths are usually disregarded by pro-Najdite apologists; but traditional Islamic scholarship demands that all, not merely some, of the evidence be mustered and taken as a whole before a verdict can be reached. And a consideration of the abundant critical material on Tamim demonstrates beyond any doubt that this tribe was regarded by the Messenger (Allah bless him and give him peace) and by the Salaf as deeply problematic.

An early indication of the nature of the Tamimites is given by Allah himself in Sura al-Hujurat. In aya 4 of this sura, He says: 'Those who call you from behind the chambers: most of them have no sense.' The occasion for revelation (sabab al-nuzul) here was as follows:

'The "chambers" (hujurat) were spaces enclosed by walls. Each of the wives of Allah's Messenger (Allah bless him and give him peace) had one of them. The aya was revealed in connection with the delegation of the Banu Tamim who came to the Prophet (s.w.s.). They entered the mosque, and approached the chambers of his wives. They stood outside them and called: "Muhammad! Come out to us!" an action which expressed a good deal of harshness, crudeness and disrespect. Allah's Messenger (Allah bless him and give him peace) waited a while, and then came out to them. One of them, known as al-Aqra' ibn Habis, said: "Muhammad! My praise is an ornament, and my denunciation brings shame!" And the Messenger (Allah bless him and give him peace) replied: "Woe betide you! That is the due of Allah." (Imam Muhammad ibn Ahmad ibn Juzayy, al-Tashil [Beirut, 1403], p.702. See also the other tafsir works; also Ibn Hazm, Jamharat ansab al-'Arab [Cairo, 1382], 208, in the chapter on Tamim.)

In addition to this Qur'anic critique, abundant hadiths also furnish the Umma with advice about this tribe. Since the tacit acceptance of the Prophet (Allah bless him and give him peace) constitutes a hadith, we may begin with the following incident.

This relates to a famous poem by Hassan ibn Thabit (r.a.). The Tamimites were late converts to Islam, joining the religion, after much resistance, only in the Year of Delegations ('am al-wufud), which was the ninth year of the Hijra. They hence miss the virtue of sabiqah, of precedence in Islam. Coming at last to the Prophet (s.w.s.), the Tamim insisted on a public debate against him, and he appointed Hassan to reply to the Tamimites' vain boasting about their tribe. Hassan's ode, which completely defeated and humiliated them by describing the low status of

their tribe, can be considered evidence for the Prophet's (Allah bless him and give him peace) own view of Tamim, since the condemnation was given in his presence, and there is no record of his criticising it. (Diwan Hassan ibn Thabit [Beirut, 1966], p.440; for full details of the incident see Barquqi's commentary in the same volume. See also Ibn Hisham, Sira [Guillaume translation], p.631.)

A further hadith concerning Tamim runs as follows:

On the authority of Imran ibn Husayn (r.a.): 'A group of Tamimites came to the Prophet (s.w.s.), and he said: "O tribe of Tamim! Receive good news!" "You promise us good news, so give us something [money]!" they replied. And his face changed. Then some Yemenis came, and he said: "O people of Yemen! Accept good news, even though the tribe of Tamim have not accepted it!" And they said: "We accept." And the Prophet (Allah bless him and give him peace) began to speak about the beginning of creation, and about the Throne.' (Bukhari, Bad' al-Khalq, 1.)

The harsh waywardness of the Tamimi mentality documented in the Qur'an and Hadith casts an interesting light on the personality of Abu Jahl, the arch-pagan leader of Quraysh. Abu Jahl, with his fanatical hatred of the Prophet (s.w.s.), must have been shaped by the Tamimi ethic in his childhood. His mother, Asma' bint Mukharriba, was of the tribe of Tamim. (al-Jumahi, Tabaqat Fuhul al-Shu'ara, ed. Mahmud Shakir [Cairo, 1952], p.123.) He also married the daughter of 'Umayr ibn Ma'bad al-Tamimi, by whom he had his son, predictably named Tamim. (Mus'ab ibn Abdallah, Nasab Quraysh [Cairo, 1953], p.312.)

An attribute recurrently ascribed to the Tamimites in the hadith literature is that of misplaced zeal. When they finally enter Islam, they are associated with a fanatical form of piety that demands simple and rigid adherence, rather than understanding; and which frequently defies the established authorities of the religion. Imam Muslim records a narration from Abdallah ibn Shaqiq which runs: 'Ibn Abbas once preached to us after the asr prayer, until the sun set and the stars appeared, and people began to say: "The prayer! The prayer!" A man of the Banu Tamim came up to him and said, constantly and insistently: "The prayer! The prayer!" And Ibn Abbas replied: "Are you teaching me the sunna, you wretch?"' (Muslim, Salat al-Musafirin, 6.)

Banu Tamim and the Khawarij

Perhaps the best-known of any hadith about a Tamimite, which again draws our attention to their misplaced zeal, is the hadith of Dhu'l-Khuwaysira:

Abu Sa'id al-Khudri (r.a.) said: 'We were once in the presence of Allah's Messenger (Allah bless him and give him peace) while he was dividing the spoils of war. Dhu'l-Khuwaysira, a man of the Tamim tribe, came up to him and said: "Messenger of Allah, be fair!" He replied: "Woe betide you! Who will be fair if I am

not? You are lost and disappointed if I am not fair!" And Umar (r.a.) said, "Messenger of Allah! Give me permission to deal with him, so that I can cut off his head!" But he said: "Let him be. And he has companions. One of you would despise his prayer in their company, and his fast in their company. They recite the Qur'an but it goes no further than their collarbones. They pass through religion as an arrow passes through its target." Abu Sa'id continued: 'I swear that I was present when Ali ibn Abi Talib fought against them. He ordered that that man be sought out, and he was brought to us.' (Bukhari, Manaqib, 25. For the 'passing through' see Abu'l-Abbas al-Mubarrad, al-Kamil, chapter on 'Akhbar al-Khawarij' published separately by Dar al-Fikr al-Hadith [Beirut, n.d.], pp.23-4 'usually when this happens none of the target's blood remains upon it'.)

This hadith is taken by the exegetes as a prophecy, and a warning, about the nature of the Kharijites. There is a certain type of believing zealot who goes into religion so hard that he comes out the other side, with little or nothing of it remaining with him. One expert who confirms this is the Hanbali scholar Ibn al-Jawzi, well-known for his hagiographies of Ma'ruf al-Karkhi and Rabi'a al-Adawiya. In his book *Talbis Iblis*. (Beirut, 1403, p.88) under the chapter heading 'A Mention of the Devil's Delusion upon the Kharijites' he narrates the hadith, and then writes: 'This man was called Dhu'l-Khuwaysira al-Tamimi. [...] He was the first Kharijite in Islam. His fault was to be satisfied with his own view; had he paused he would have realised that there is no view superior to that of Allah's Messenger (s.w.s.).'

Ibn al-Jawzi goes on to document the development of the Kharijite movement, and the central role played by the tribe of Tamim in it. Hence (p.89) 'The commander of the fight [against the Sunnis, at Harura] was Shabib ibn Rab'i al-Tamimi'; also (p.92) 'Amr ibn Bakr al-Tamimi agreed to murder Umar'. All this even though their camp sounded like a beehive, so assiduously were they reciting the Qur'an (p.91).

The Kharijite movement proper commenced at the Siffin arbitration, when the first dissenters left the army of the khalifa Ali (k.A.w.). One of them was Abu Bilal Mirdas, a member of the tribe of Tamim (Ibn Hazm, 223), who despite his constant worship and recitation of the Qur'an became one of the most brutal of the Kharijite zealots. He is remembered as the first who said the *Tahkim* - the formula 'The judgment is Allah's alone' - on the Day of Siffin, which became the slogan of the later Kharijite *da'wa*.

In his long analysis of the Kharijite movement, Imam Abd al-Qahir al-Baghdadi also describes the intimate involvement of Tamimites, and of Central Arabians generally, noting that the tribes of Yemen and Hijaz contributed hardly anyone to the Kharijite forces. He gives an account of Dhu'l-Khuwaysira's later Kharijite activities. Appearing before Imam Ali ibn Abi Talib (k.A.w.) he says: 'Ibn Abi Talib! I am only fighting you for the sake of Allah and the Hereafter!' to which Imam Ali replies: 'Nay, you are like those of whom Allah says, "Shall I inform you who are

the ones whose works are most in loss? It is they whose efforts are astray in the life of this world, but who think that they are doing good!" [Kahf, 103].’ (Imam Abd al-Qahir al-Baghdadi, *al-Farq bayn al-firaq* [Cairo, n.d.], 80; see the note to p.76 for the full identification of Dhu’l-Khuwaysira.)

As Imam Abd al-Qahir gives his account of the early Kharijite rebellions, replete with appalling massacres of innocent Muslim civilians, he makes it clear that the leaders of each of the significant Kharijite movements hailed from Najd. For instance, the Azariqa, one of the most vicious and widespread Khariji movements, were led by Nafi’ ibn al-Azraq, who was from the Central Arabian tribe of Banu Hanifa (Abd al-Qahir, 82). As the Imam records, ‘Nafi and his followers considered the territory of those who opposed them to be Dar al-Kufr, in which one could slaughter their women and children. [...] They used to say: "Our opponents are mushriks, and hence we are not obliged to return anything we hold in trust to them.’ (Abd al-Qahir, 84.) After his death in battle, ‘the Azariqa pledged their allegiance to Ubaydallah ibn Ma’mun al-Tamimi. Al-Muhallab then fought them at Ahwaz, where Ubaidallah ibn Ma’mun himself died, along with his brother Uthman ibn Ma’mun and three hundred of the most fanatical of the Azariqa. The remainder retreated to Ayday, where they pledged their allegiance to Qatari ibn al-Fuja’a, whom they called Amir al-Mu’minin.’ (Abd al-Qahir, 85-6.) The commentator to Abd al-Qahir’s text reminds us that Ibn Fuja’a was also of Tamim (p.86).

The Azariqa, who massacred countless tens of thousands of Muslims who refused to accept their views, had a rival in the Najdiyya faction of the Kharijites. These were named after Najda ibn Amir, a member of the tribe of Hanifa whose homeland is Najd; Najda himself maintained his army in Yamama, which is part of Najd. (Abd al-Qahir, 87.)

As is the way with Kharijism in all ages, the Najdiyya fragmented amid heated arguments generated by their intolerance of any dissent. The causes of this schism included the Kharijite attack on Madina, which came away with many captives; and different Kharijite ijtihads over sexual relations with Muslim women who, not being Kharijites, they had enslaved. Three major factions emerged from this split, the most dangerous of which was led by Atiyya ibn al-Aswad, again of the tribe of Hanifa. Following Najda’s death, his own faction split, again into three, one of which left Najd to raid the vicinity of Basra (Abd al-Qahir, 90-1).

The last major Kharijite sect was the Ibadiyya, which, in a gentler and much attenuated form, retains a presence even today in Zanzibar, southern Algeria, and Oman. The movement was founded by Abdallah ibn Ibad, another Tamimi. Its best-known doctrine is that non-Ibadis are kuffar: they are not mu’mins, but they are not mushriks either. ‘They forbid secret assassinations [of non-Ibadis], but allow open battles. They allow marriages [with non-Ibadis], and inheritance from them. They claim that all this is to aid them in their war for Allah and His Messenger.’ (Abd al-Qahir, 103.)

The best-known woman among the Kharijites was Qutam bint 'Alqama, a member of the Tamimite tribe. She is remembered as the one who told her bridegroom, Ibn Muljam, that 'I will only accept you as my husband at a dowry which I myself must name, which is three thousand dirhams, a male and a female slave, and the murder of Ali!' He asked, 'You shall have all that, but how may I accomplish it?' and she replied, 'Take him by surprise. If you escape, you will have rescued the people from evil, and will live with your wife; while if you die in the attempt, you will go on to the Garden and a delight that shall never end!' (Mubarrad, 27.) As is generally known, Ibn Muljam was executed after he stabbed imam Ali (k.A.w.) to death outside the mosque in Kufa.

Muslims anxious not to repeat the tragic errors of the past will wish to reflect deeply upon this pattern of events. Tens of thousands of Muslims, fervently committed to the faith and outstanding for their practical piety, nonetheless fell prey to the Kharijite temptation. The ulema trace the origins of that temptation back to the incident of Dhu'l-Khuwaysira, who considered himself a better Muslim than the Prophet himself (s.w.s.). And he, like the overwhelming majority of the Kharijite leaders who followed in his footsteps, was a Tamimi. Of the non-Tamimi Kharijites, almost all were from Najd.

The Ridda: the First Fitna

There is a further issue which Muslims will wish to consider when forming their view of Najd. This is the attitude of the Najdis following the death of the Messenger (s.w.s.). The historians affirm that the great majority of the rebellions against the payment of zakat which broke out during the khilafa of Abu Bakr (r.a.) took place among Najdis. Moreover, and even more significantly, many of the the Najdi rebellions were grounded in a strange anti-Islamic ideology. The best-known of these was led by Musaylima, who claimed to be a prophet, and who established a rival shari'a which included quasi-Muslim rituals such as forms of fasting and dietary rules. He also prescribed prayers three times a day. As leader of a rival religion, he and his Najdi enthusiasts were in a state of baghy, heretical revolt against due caliphal authority, and Abu Bakr (r.a.) sent an army against them under Khalid ibn al-Walid. In the year 12 of the Hijra Khalid defeated the Najdis at the Battle of al-Aqraba, a bloody clash that centred on a walled garden which is known to our historians as the Garden of Death, because many great Companions lost their lives there at the hands of the Najdis. (See Abdallah ibn Muslim Ibn Qutayba, *Kitab al-Ma'arif* [Cairo, 1960], p.206; Ahmad ibn Yahya al-Baladhuri, *Futuh al-buldan* [repr. Beirut, n.d., 86.] An indication of the continuity of Najdi religious life is given by the non-Muslim traveller Palgrave, who as late as 1862 found that some Najdi tribesmen continued to revere Musaylima as a prophet. (W. Palgrave, *Narrative of a year's journey through Central and Eastern Arabia* [London, 1865], I, 382.)

The other ringleader of Najdi rebellion against the khilafa was a woman known as Sajah, whose full name was Umm Sadir bint Aws, and who belonged to the tribe

of Tamim. She made claims to prophethood in the name of a rabb who was 'in the clouds', and who gave her revelations by which she succeeded in uniting sections of the Tamim who had argued among themselves over the extent to which they should reject the authority of Madina. Leading several campaigns against tribes who remained loyal to Islam, the Najdi prophetess is said to have thrown in her lot with Musaylima. Other than this, little is known of her fate. (Ibn Qutayba, Ma'arif, p.405; Baladhuri, Futuh, pp.99-100.)

Recent Najdi Tendencies

It is well-known that the Najdi reformer, Muhammad ibn Abd al-Wahhab, was a Tamimi. The violence and takfir associated with the movement which carries his name surely bears more than a coincidental resemblance to the policies and mindset of the Tamimi Kharijites of ancient Najd. Consider, for instance, the following massacre, of the Shi'a of Karbala in April 1801, as described by a Wahhabi historian:

Saud made for Karbala with his victorious army, famous pedigree horses, and all the settled people and bedouin of Najd [...] The Muslims (i.e. the Wahhabis) surrounded Karbala and took it by storm. They killed most of the people in the markets and houses. One cannot count their spoils. They stayed there for just one morning, and left after midday, taking away all the possessions. Nearly two thousand people were killed in Karbala. (Uthman ibn Bishr, Unwan al-Majd fi Tarikh Najd (Makka, 1349), 1, 121-122.)

It is hard to distinguish this raid, and the brutality of its accomplishment, from the Khariji raids from Najd into the same region a thousand years earlier.

Muhammad Finati, an Italian convert to Islam who served with the Caliphal army which defeated the Wahhabis, wrote a long first-hand account of the extreme barbarism of the Najdi hordes. For instance:

Such among us as fell alive into the hands of these cruel fanatics, were wantonly mutilated by the cutting off of their arms and legs, and left to perish in that state, some of whom, in the course of our retreat, I myself actually saw, who had no greater favour to ask than that we would put them to death. (G. Finati, Narrative of the Life and Adventures of Giovanni Finati (London, 1830), I, 287).

It is sometimes claimed that the days when 'all the settled people and bedouin of Najd' would happily commit such mass murder are long gone, and that Wahhabism has become more moderate. But another, more recent example, shows otherwise. In 1924, the Wahhabi army entered the city of Ta'if, plundering it for three days. The chief qadi and the ulema were dragged from their houses and slaughtered, while several hundred other civilians lost their lives. (Ibn Hizlul, Tarikh Muluk Al Sa'ud [Riyadh, 1961], pp.151-3.) After giving the the Sunni population of the Hijaz this terrorist lesson, 'Ibn Saud occupied Mecca with

Britain's tacit blessing' (Alexei Vassiliev, A History of Saudi Arabia [London, 1998], p.264).

CONCLUSION A good deal of material concerning Najd and Tamim has been preserved from the time of the Salaf. If we reject the method of some Najdi apologists, a method based on the highly selective quotation of hadiths coupled with the blind imitation of opinions expressed by late-medieval commentary writers, we may reach some reasonably settled and authoritative conclusions regarding Central Arabia and its people. The Qur'an, the sound Hadith, and the experience of the Salaf overwhelmingly concur that Central Arabia is a region of fitna. The first of all fitnas in Islam emerged from that place, notably the arrogance of Dhu'l-Khuwaysira and his like, and also the apostasy and fondness for false prophets which caused such difficulty for Abu Bakr (r.a.). Subsequently, the Kharijite heresy, overwhelmingly Najdi in its roots, cast a long shadow over the early history of Islam, dividing the Muslims, distracting their armies from the task of conquering Byzantium, and injecting rancour, suspicion, and bitterness among the very earliest generations of Muslims. Only the most determined, blinkered and irresponsible Najdi sympathiser could ignore this evidence, transmitted so reliably from the pure Salaf, and persist in the delusion that Najd and the misguided, literalistic rigorism which it recurrently produces, is somehow an area favoured by

Allah. And Allah knows best. May He unite the Umma through love for the early Muslims who refused bigotry, and may He preserve us from the trap of Kharijism and those who are attracted to its mindset in our time. Amin.

5. Ibn Taymiya WAS NOT EVEN FROM HUFFAZ OF HADITH Ibn Kathir WAS BUT NEVER FOLLOWED Ibn Taymiya in FAITH by Shaykh Nuh Ha Mim Keller

Question:

Ibn Kathir is considered to be part of Ahl al-Sunna by the orthodox community even though he was a student of Ibn Taymiya. Was Ibn Kathir's Islamic faith ('aqida) actually different than Ibn Taymiya's? If so, on what points? (I will need references.) I know he differed on many fiqh issues, but that is because Ibn Kathir was a Shafi'i scholar, one such difference being the Mawlid.

Ibn Kathir's tafsir (Qur'anic exegesis) is widely regarded as one of the great works of tafsir, but doesn't it contain anthropomorphic assertions about the attributes of Allah Most High? If so, how can we reconcile that with the Ash'ari and Maturidi positions?

Answer:

Ibn Kathir (d. 774/1373) is a scholar of Ahl al-Sunna who was of the Shafi'i school (according to the first volume of his main work, *Tafsir al-Qur'an al-'Azim*, 1.2), while Ibn Taymiya (d. 728/1328) was a scholar whose fiqh remained in the general framework of the Hanbali school. Ibn Taymiya's controversies in tenets of faith ('aqida) and literalist interpretations of the attributes of Allah were mostly adopted from what had historically been the more anthropomorphic end of the previous spectrum of Hanbali 'aqida—Hanbali in that some of the followers of this school had these beliefs, not that Ahmad ibn Hanbal in any way supported them or that they were part of his madhhab. They have been resurrected in our times as Salafism or "return to early Islam" by moneyed supporters of the Wahhabi sect, whose differences with Ahl al-Sunna consist almost entirely of the ideas of Ibn Taymiya. In scholarship, Ibn Kathir was a hadith master (hafiz, someone with at least 100,000 hadiths by memory), while Ibn Taymiya was not: his name does not appear in any of the works of *tabaqat al-huffaz* or "successive generations of hadith masters," that comprehensively document such scholars. Whatever length of time Ibn Kathir studied with Ibn Taymiya, he was in his twenties when the latter died, and his long and fruitful career extended over the next forty-six years.

Although I have not read all of Ibn Kathir's Qur'anic exegesis (tafsir), I have not found in it any traces of Ibn Taymiya's more unusual positions, the most significant of which, for 'aqida and Qur'anic exegesis, is his claim that "there is no figurative expression (majaz) in the Qur'an" (Ibn Taymiya: *al-Iman*, 83), even in the use of such words as 'hand', 'face', 'eyes', 'shin', and the like with reference to Allah. He says, "Every word in the Book of Allah and His messenger is conditioned by that which clarifies its meaning, in none of which is there any figurative expression (majaz); rather, all of it is literal (haqiqa)" (*ibid.*, 78). Compare this with what Ibn Kathir says about the verse "Then He 'was established' (istawa) upon the Throne" (Qur'an 7 54), (istawa here rendered as "was established" not by way of definitive interpretation, but rather out of need to answer the question):

People have many positions on this matter, and this is not the place to present them at length. On this point, we follow the position of the early Muslims (salaf)—Malik, Awza'i, Thawri, Layth ibn Sa'd, Shafi'i, Ahmad, Ishaq ibn Rahawayh, as well as others among the Imams of the Muslims, ancient and modern—namely, to let the verse pass as it has come, without saying how it is meant (*bi la takyif*), without any resemblance to created things (*wa la tashbih*), and without nullifying it (*wa la ta'til*): the literal outward meaning (*dhahir*) that comes to the minds of anthropomorphists (*al-mushabbihin*) is negated of Allah [*italics mine*], for nothing created has any resemblance to Him: "There is nothing whatsoever like unto Him, and He is the All-hearing, the All-seeing" (Qur'an 42:11) (Ibn Kathir: *Tafsir al-Qur'an al-'Azim*, 2:220).

This is precisely the position of tafwid or "consigning the knowledge of what is really meant by such scriptural expressions to Allah" that Ash'aris like Imam Nawawi and many others held concerning such verses. It cannot be lost on you how far Ibn Kathir is from anthropomorphism, and I haven't found anything else in his tafsir that suggests he followed the ideas of Ibn Taymiya or his student Ibn Qayyim in the literalism that gives the impression of likening Allah to created things. And Allah knows best.

6. Wahabi Blood Family's \$18 billion Gold Fund a prize from the British for wahabis destroying the Caliphdom

USA Administration can take the \$18 billion in American Banks belonging to a Wahabi Fund, controlled by Wahabi's 19 children headed by the older son: Mr Ibn AbdelWahab who lives in (Dallas, TX), and invest it in True non-Wahabi Sunni spiritual leadership and Madrasa (Islamic schools) System throughout the world.

The world will continue to suffer until non-Wahabi Sunni Muslims establish a non-Wahabi Sunni spiritual leadership that both the western and the eastern administrations acknowledge, respect and seek its just verdict, thereby replacing the current Wahabi, fanatic and misguided spiritual leadership.

USA Administration can take the \$18 billion in American Banks belonging to a Wahabi Fund, controlled by Wahabi's 19 children headed by the older son: Mr Ibn AbdelWahab who lives in (Dallas, TX), and invest it in True non-Wahabi Sunni spiritual leadership and Madrasa (Islamic schools) System throughout the world.

When pronouns are capitalized they refer to the Creator, Allah. Examples: You, He, Him, His and, Own while pronouns such as Our, Ours, Us and We denote His Greatness not plurality.

In this translation of the meaning of the Holy Koran we elected to replace the word "Christians" with the more accurate translation "Nazarenes". To learn more about the Nazarenes and their roots, as well as the Christians and their roots, please refer to our informative research in the section "Prophet Jesus in the Koran" page 493.

7. Islam vs. Terrorism and 911 was not the first of wahabi terror

Preaching Islam is the first right due to all people in the west, not blowing them away falsely in the name of Jihad. Duh!

Wahabi: Their Wahabi (Najdi) satan attempting to Kill Prophet Muhammad, then killed many many Muslims, now killing innocent christians besides Muslims who were in WTC

Not to mention that the Afgani people have suffered a lot because of this war financially and civilian casualties, and that we pray for them all

What will happen if Wahabi, Brotherhood (Ikhwan) and Ben-Ladenism go away?

The best thing will happen, is setting Islam free from these Hijackers of Islam! Where the west will welcome Prophet Muhammad and Islam.

Remember Wahabi started their system by killing many Muslims to take over Arabia, Now they started Killing innocent Christians (WTC). So EVIL DOING is their nature. satan loves najd, Saudi Arabia, the Wahabi head-office, all us know when satan appeared advising the unbelievers of Mecca to Kill prophet Muhammad, in Najd look and feel image)

Since the time of the French Revolution, the fall of the Turkish caliphate at the beginning of this century, and the inception of Israel in 1948, many nationalistic movements have evolved and spread throughout the middle and far east, which, sub-consciously, has affected the opinion of many people in this part of the world.

Movements such as the Brotherhood have come into being that abandon traditional Islamic studies and concentrate solely on political science. In the recently establish kingdom of Saudi Arabia, one finds the creation of the extremist Wahabi sect inaugurated by the co- founder of Saudi Arabia, ibn Abd al Wahab. This sect rejects all the moderate, well established, documented, scholars of Islam. Wahabis follow one scholar, namely ibn Taymiah, who was discredited by knowledgeable traditional scholars of his era. His followers make him a condition to believe Prophet Muhammad , therefore if you take Taymiah from any one of them you, indeed you have taken Islam from him. Of course the word movement, is neither in the Koran or Traditions, rather it is a 17th century nationalistic term. Any one who reads the interview in Times magazine (Oct 6, 95 after his conviction) with (Shaykh?) Omar Abdul Rahman, will read the nationalistic terms i.e. I came to the USA to smell freedom (not to guide to Islam, what else can you expect from a fanatic who puts good Muslim Shaykhs to shame. It is interesting that he never quoted the Koran nor yet the traditions, because both are against what he stands for, We all remeber the Late Shaykh of Azhar, who was welcomed in the White House by former President Carter, Dr Abdul Haleem Mahmoud as a pure spiritual Muslim leader, who never mention or condoned terrorism, rather he advised President Sadat, that the misguided thought, should be confronted by thought not sword!)

It is unfortunate that many middle-eastern departments throughout American Universities such as Harvard, Chicago, and in the UK, Oxford, direct their Islamic studies to such movements as the Wahabis and the Brotherhood instead of directing the Islamic academia to the mainstream of Islamic faith, ethics and spirituality. Such course of action draws attention and inflates the actual position of these minority groups who account for less than .008% of all Muslims.

Do you remember the recent refusal of Saudi Arabia to hand over to the USA the terrorist responsible for bombing the US Embassy in Lebanon - think about it - Also, before the Iraq-Kuwait war Saudis welcomed Abu Nidal the famous PLO colleague to move its office to Jeddah, Arabia! This is the spirit of Wahabism. Do you think the doctors at Harvard have got the message?

Minorities such as these have led to the birth of various terrorist groups. These groups have perpetrated the boundaries of established Islamic regulations. The result being the breaking of Islamic rules such as the prohibition of killing the innocent; incidentally, only an Islamic state can declare an Islamic war NOT a group of individuals.

Such minorities have become negligent of their Islamic responsibilities which call upon them to uphold a good code of ethics that include the practice of mercy and the spread of Islam in non- Islamic countries instead of spreading corruption and terror.

"Shaykh" Abdul Rahman and the New York Trade Center Bombing: This is an example of a person who studied the thought of ibn Taymiah and the Wahabis, and abandoned traditional Islamic studies. Such actions strip a person of his title as he has crossed the border with his teachings. Instead of extending the hand of friendship to Americans and inviting them to Islam he has succeeded in harming Islam.

If the "shaykh" had been sincerely interested in a Holy War, why didn't he muster volunteers to fight with their brothers in Bosnia? It is clear that he was not sincere when he fought in Afghanistan as Islam considers there to be no difference between a war in Bosnia, Chechnya, or Afghanistan.

However, there is an Islamic tradition served in Koran and Prophetic quotations, that non Muslims should not be in Arabia, Now over 20,000 American troops (some with civil duties) are in Arabia, this is again a very dangerous situation, since fanatic Wahabis will use this to their own advantage, since they pick and choose Islamic traditions.

On the other hand the masses of middle eastern Islamic countries feel that there is a conspiracy in the west to suppress Islamic societies. This is easily understood when one reviews the news of Bosnia, Chechnya in former USSR, and Kashmir where the west allowed a holocaust to continue.

Where is the sound advice of Harvard for the US Administration? I bet you they do not have a clue !!!

We have reached a cross road, either promote pure Islam or pay heavily for a fanatic takeover. Remember fanatics do not co exist with pure Islam.

I mean by promoting pure Islam, the media should open themselves for good traditional Shaykhs - it is strange that "Good Morning America" continue to welcome a priest and a rabbi to chat without a shaykh, while the number of Jews and Muslims in the US is equal!

8. We applaud former President Reagan for his brave stand when he supported the Afghani Mujahidin not terrorists.

Finally, the Mosque of the Internet applauds the following letter sent by the Churches (member Organizations) for Middle East Peace.

April 2, 1993

The Honorable Lee Hamilton COPY U.S. House of Representatives sent to
members of the Washington, D.C. 20515 House Foreign Affairs
House Judiciary
Senate Foreign Relations
Senate Judiciary Committees

Dear Representative Hamilton:

Churches for Middle East Peace, a working coalition of the Washington offices of Roman Catholic and Protestant groups, writes to you in your capacity as a member of the House Foreign Affairs Committee with our concerns about Congressional response to terrorist acts.

The bombing of the World Trade Center has brought the fear of such attacks to the people of the United States. We are concerned that members of Congress, in seeing to address this matter of public safety, may inadvertently foster measures that erode civil liberties and cast suspicion on Muslims and Arabs generally. We are alarmed by the ease with which religion, specifically Islam, is cited as the factor that distinguishes, motivates and funds the men accused of the World Trade Center bombing as well as many of the perpetrators of violence in Middle Eastern countries.

Some might argue that constitutional guarantees regarding the freedom of citizens, aliens and even visitors to speak, assemble and worship should be restricted in order to protect against acts of terrorists. We hold the view that these rights, which insure alternatives to violence as a means of political express, have been a major reason for the relatively few terrorist incidents in the United States. To weaken basic liberties in response to the Trade Center bombing would be misguided.

We urge your thoughtful consideration and rejection of resolutions and letters to the administration that stereotype Islam or Arabs.

There is no need to designate specific Arab Muslim groups for exclusion from the United States. Criminal and immigration laws already provide the measures necessary to exclude and prosecute terrorists. The amendment to Sec. 212 of the Immigration and Naturalization Act offered by Sen. D'Amato and Rep, Deutsch abets religious and ethnic stereotyping of Muslims and Arabs. Such proposals, even if never enacted or intended to become law, are widely discussed in the Middle East, the Muslim world and among Arab-Americans. The fact that such measures are even considered by Congress has an effect different than supporters perhaps intend. The proposal to categorize and exclude from the United States yet another segment of Palestinians makes the task of the Palestinian delegation to the peace talks with Israel even more difficult.

Further we urge you at every opportunity to challenge religious stereotyping, prejudice and bigotry in the debates and actions of Congress and in public events back home. We hope you will join us and others in enthusiastic support of this country's pluralism and diversity.

Sincerely,

Robert W. Tiler, Director, Office of Governmental Relations American Baptist Churches, USA

James Matlack, Director, Washington Office American Friends Service Committee

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22 THE FUNERAL PRAYER (JANAZA)

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